

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD.,

Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,

Defendant.

**C.A. No. 21-1015-JLH**

Redacted Version

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SAREPTA THERAPEUTICS, INC. and THE  
UNIVERSITY OF WESTERN AUSTRALIA,

Defendant/Counter-Plaintiffs,

v.

NIPPON SHINYAKU CO., LTD. and NS  
PHARMA, INC.

Plaintiff/Counter-Defendants.

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**SECOND SUPPLEMENTAL OPENING EXPERT REPORT OF JOHN C. JAROSZ**

November 5, 2024

OUTSIDE COUNSEL EYES ONLY – SUBJECT TO PROTECTIVE ORDER

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## I. INTRODUCTION AND QUALIFICATIONS

### A. Assignment

1. I, John C. Jarosz, submit this expert report on behalf of Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA”) (collectively, “Counter-Plaintiffs”). I have been asked by Counsel for Counter-Plaintiffs to provide expert analysis and testimony, if necessary, related to the appropriate remedy for the damage sustained by Counter-Plaintiffs due to the alleged infringement by Nippon Shinyaku Co., Ltd. (“Nippon Shinyaku”) and NS Pharma, Inc. (“NS Pharma”) (collectively, “Counter-Defendants”) of U.S. Patent No. 9,994,851 (“the ‘851 patent” or “the Wilton Patent”).<sup>1</sup>

2. On September 8, 2023, I submitted an expert report on behalf of Counter-Plaintiffs analyzing damages associated with the alleged infringement of the Wilton Patent (“Jarosz Opening Report”).<sup>2</sup> On October 11, 2023, Counter-Defendants’ damages expert Mr. Mark Hosfield submitted a rebuttal report on behalf of Nippon Shinyaku (“Hosfield Rebuttal Report”)<sup>3</sup> to which

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<sup>1</sup> Defendant Sarepta Therapeutics, Inc.’s Second Amended Answer, Defenses, and Counterclaims to Plaintiff Nippon Shinyaku Co., Ltd.’s Second Amended Complaint, August 16, 2023 (“Counterclaims Complaint”), at pp. 2, 36-43. I understand that Counter-Plaintiffs narrowed their infringement allegations to claim 1 of the ‘851 patent with the submission of the Final Pretrial Order on April 29, 2024. Prior to that submission, Counter-Plaintiffs asserted additional claims of infringement of U.S. Patent Nos. 10,227,590 and 10,266,827. My opinions are not affected by the change in asserted claims as I understand that the Wilton Patent was individually necessary for the commercialization of the Accused Product and therefore foundational. *See, e.g.*, Opening Expert Report of John C. Jarosz, September 8, 2023 (“Jarosz Opening Report”), at ¶¶ 13, 130, 180, 249.

<sup>2</sup> Jarosz Opening Report. Additionally, on September 8, 2023, Mr. Hosfield submitted an opening report summarizing his opinions on the appropriate damages due to Nippon Shinyaku arising from Sarepta’s alleged patent infringement relating to the NS patents-in-suit. Expert Report and Disclosure of Mark J. Hosfield, September 8, 2023 (“Hosfield Opening Report”). On October 11, 2023, I submitted a rebuttal report addressing the opinions contained in the Hosfield Opening Report. Rebuttal Expert Report of John C. Jarosz, October 11, 2023 (“Jarosz Rebuttal Report”). On October 27, 2023, Mr. Hosfield submitted a reply report in response to the Jarosz Rebuttal Report. Reply Expert Report and Disclosure of Mark J. Hosfield, October 27, 2023 (“Hosfield Reply Report”).

<sup>3</sup> Rebuttal Expert Report and Disclosure of Mark J. Hosfield, October 11, 2023 (“Hosfield Rebuttal Report”).

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I replied on October 27, 2023 (“Jarosz Reply Report”).<sup>4</sup> On November 10, 2023, I provided deposition testimony regarding my opinions in this case.<sup>5</sup> On April 12, 2024, I submitted a supplemental expert report, in which I updated my damages calculations to account for updated sales data produced by Sarepta and NS.<sup>6</sup> The Jarosz Opening Report includes a description of my background and qualifications and is incorporated herein by reference. An updated copy of my CV is attached as Second Supplemental Tab 1.

3. Since the filing of the Jarosz Opening Report, the Jarosz Reply Report, my deposition, and the Jarosz Supplemental Opening Report, on October 25, 2024, Sarepta and NS produced additional data that I understand reflects sales made through August 31, 2024.<sup>7</sup> For this report, I have been asked to update my opinions regarding the appropriate damages owed by NS to Counter-Plaintiffs, assuming liability is established at trial. Specifically, I have been asked to and did update my damages calculations to account for the full period August 2020 through December 15, 2024 for U.S. sales, [REDACTED]

[REDACTED].<sup>8</sup> A complete list of information considered in this report, as well as in the Jarosz

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<sup>4</sup> Reply Expert Report of John C. Jarosz, October 27, 2023 (“Jarosz Reply Report”).

<sup>5</sup> Deposition of John C. Jarosz, November 10, 2023 (“Jarosz Deposition”).

<sup>6</sup> Supplemental Opening Expert Report of John C. Jarosz, April 12, 2024 (“Jarosz Supplemental Opening Report.”) On April 19, 2024, Mr. Hosfield submitted a supplemental rebuttal report on behalf of NS. Supplemental Rebuttal Expert Report and Disclosure of Mark J. Hosfield, April 19, 2024 (“Hosfield Supplemental Rebuttal Report”). Additionally, on April 12, 2024, Mr. Hosfield submitted a supplemental opening report updating the Hosfield Opening Report to account for the updated data produced by Sarepta and NS. Supplemental Expert Report and Disclosure of Mark J. Hosfield, April 12, 2024 (“Hosfield Supplemental Opening Report”). On April 19, 2024, I submitted a supplemental rebuttal report addressing the opinions contained in the Hosfield Supplemental Opening Report. Supplemental Rebuttal Expert Report of John C. Jarosz, April 19, 2024 (“Jarosz Supplemental Rebuttal Report”).

<sup>7</sup> Sarepta provided U.S. sales data through August 31, 2024 (SRPT-VYDS-0247660). NS provided U.S. sales data through August 31, 2024 (NS00157824) [REDACTED] [REDACTED].

<sup>8</sup> Sarepta’s previously produced sales data only went through February 2024 for U.S. sales; NS’s previously produced sales data only went through February 2024 for U.S. [REDACTED]. See Jarosz Supplemental Opening Report, at Supplemental Tabs 8, 10-11.

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Opening Report, Jarosz Rebuttal Report, Jarosz Reply Report, Jarosz Supplemental Opening Report, and Jarosz Supplemental Rebuttal Report is identified in Second Supplemental Tab 2.

**B. Summary of Opinions**

4. As discussed in the Jarosz Opening Report and the Jarosz Supplemental Opening Report, it is my expert opinion that lost profits are the appropriate form of damages here for Counter-Defendants' U.S. sales and a reasonable royalty [REDACTED] of VILTEPSO® net sales [REDACTED] [REDACTED].<sup>9</sup>

5. Supplementing my damages analysis to account for the updated data, I find that in scenario 1, lost profits damages are [REDACTED]

[REDACTED]  
[REDACTED].<sup>10</sup>

6. For scenario 2, reasonable royalty damages are [REDACTED]

[REDACTED]  
[REDACTED].<sup>11</sup>

7. I will update my analysis, if allowed, to incorporate additional data made available as of trial, if there is any.<sup>12</sup> Assuming liability is established at trial, an on-going royalty may be appropriate to compensate Sarepta for losses associated with the continued sale of VILTEPSO® between December 16, 2024 (after the expected start of trial) and June 28, 2025 (the expiration of

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<sup>9</sup> Jarosz Opening Report, at ¶¶ 12-13; Jarosz Supplemental Opening Report, at ¶ 4.

<sup>10</sup> Second Supplemental Tab 3.

<sup>11</sup> Second Supplemental Tab 3.

<sup>12</sup> For example, I reserve the right to opine at trial or after trial on additional lost profits and/or reasonable royalty damages for any pre-trial period not accounted for in the supplemental financial information exchanged among the parties to date.

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the Wilton Patent). At the point at which an on-going royalty is deemed to be appropriate, I am prepared to provide my opinion on what that should be.

**II. LOST PROFITS DAMAGES ANALYSIS**

8. As discussed in the Jarosz Opening Report and Jarosz Supplemental Opening Report, lost profits are an appropriate measure of damages for infringing U.S. sales.<sup>13</sup>

9. To update my lost profits analysis according to newly received data, I account for three changes:

- an additional [REDACTED] VILTEPSO® vials sold in the U.S. between March 2024 and August 2024, as well as an estimated additional [REDACTED] VILTEPSO® vials sold in the U.S. between September 2024 and December 15, 2024;<sup>14</sup>
- updated VYONDYS 53® per vial net sales, gross profit, and incremental expenses per month for the period March 2024 through August 2024;<sup>15</sup> and
- updated analysis of Sarepta's incremental operating expenses based on updated Sarepta financial information.<sup>16</sup>

10. Applying the historical wholesale acquisition cost (“WAC”) of [REDACTED] per vial of VYONDYS 53® to the [REDACTED] lost U.S. vials results in lost gross revenue of approximately [REDACTED] for August 19, 2020, through December 15, 2024.<sup>17</sup> Applying the historical net

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<sup>13</sup> Jarosz Opening Report, at Section V; Jarosz Supplemental Opening Report, at Section II.

<sup>14</sup> See Second Supplemental Tab 4. [REDACTED] calculated as [REDACTED].

<sup>15</sup> Second Supplemental Tab 4.

<sup>16</sup> Second Supplemental Tab 7.

<sup>17</sup> Second Supplemental Tab 4.

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selling price of VYONDYS 53® on a monthly basis over the relevant time period (August 19, 2020, through December 15, 2024<sup>18</sup>) results in lost net sales of approximately [REDACTED]<sup>19</sup>

11. Next, as done in the Jarosz Opening Report and the Jarosz Supplemental Opening Report, I deduct Sarepta costs that would have been incurred to support the higher level of sales. Applying the historical per unit gross profits (which accounts for costs of goods sold) on a monthly basis to sales from August 19, 2020, through December 15, 2024, indicates avoided costs of goods sold of approximately \$ [REDACTED], and total lost gross profits of [REDACTED]<sup>20</sup>

12. Finally, I deduct Sarepta's incremental operating (or non-manufacturing overhead) expenses to obtain the total lost profits damages. As shown in Second Supplemental Tab 7, I conducted a regression analysis of Sarepta's quarterly net revenues on Sarepta's SG&A expenses from 2018 through Q2 2024.<sup>21</sup> In this regression, I find that for every \$1.00 in net revenue Sarepta generated, Sarepta incurred approximately [REDACTED] of incremental SG&A expenses.<sup>22</sup> This calculation results in avoided incremental operating expenses of [REDACTED]<sup>23</sup> Subtracting these

<sup>18</sup> Sarepta and Counter-Defendants provided data through August 2024 ([REDACTED]). I assume that VILTEPSO® vials sold and VYONDYS 53® per vial averages from September 2024 through December 2024 (prorated to December 15) are equal to those in August 2024. See Second Supplemental Tab 4. I will update my analysis if additional data is made available to me.

<sup>19</sup> Second Supplemental Tab 4.

<sup>20</sup> Second Supplemental Tab 4. [REDACTED]

<sup>21</sup> As in the Jarosz Opening Report and the Jarosz Supplemental Opening Report, I select Q1 2018 as starting date, obtaining an estimated coefficient of approximately [REDACTED]. I obtain similar results starting from both Q4 2019 (the quarter in which VYONDYS 53® was launched) and Q1 2020 (the first quarter of the first full year of VYONDYS 53® sales). The estimated coefficients under these alternative calculations are approximately [REDACTED], respectively. I understand from Ryan Wong, Vice President of Financial Strategy, Planning & Analysis and Treasurer at Sarepta, that [REDACTED]. See Wong Deposition, at

28:14-24, 213:18-214:1.

<sup>22</sup> Second Supplemental Tab 7.

<sup>23</sup> Second Supplemental Tab 4.

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costs from Sarepta's lost gross profits of [REDACTED] [REDACTED] results in total lost profits of [REDACTED]

[REDACTED]<sup>24</sup>

13. In summary, I calculated that the [REDACTED] vial sales of VILTEPSO® sold through December 15, 2024, would have resulted in [REDACTED] incremental vial sales of VYONDYS 53®, which would have generated approximately [REDACTED] [REDACTED] in incremental net sales and [REDACTED] [REDACTED] in incremental profits.<sup>25</sup>

14. I understand that sometime after I submitted the Jarosz Supplemental Opening Report on April 12, 2024, a dispute arose among the parties relating to whether Sarepta possessed sufficient exclusive rights in the Wilton Patent to claim lost profits damages for the entirety of the damages period. As I detailed in the September 8, 2023, Jarosz Opening Report, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].<sup>26</sup>

15. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].<sup>28</sup>

16. [REDACTED]

[REDACTED]

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<sup>24</sup> Second Supplemental Tab 4.

<sup>25</sup> Second Supplemental Tab 4.

<sup>26</sup> SRPT-VYDS-0154831-862 at 831, 833-34; *see* Jarosz Opening Report at ¶¶ 138-139.

<sup>27</sup> SRPT-VYDS-0246984-7019 at 6984, 6989.

<sup>28</sup> SRPT-VYDS-0246984-7019 at 6984, 6989, 7001.

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⑧ 30

17. I understand from a conversation with Peter Walsh, Senior Director, Tax Planning and Compliance at Sarepta Therapeutics, Inc. and Director and Secretary for ST International Holdings Two, Inc., that [REDACTED]

.<sup>31</sup> Accordingly,

<sup>29</sup> SRPT-VYDS-0246922-947 at 928.

<sup>30</sup> SRPT-VYDS-0246922-947 at 925.

<sup>31</sup> Discussion with Peter Walsh, Senior Director, Tax Planning and Compliance at Sarepta Therapeutics, Inc. and Director and Secretary for ST International Holdings Two, Inc., on November 4, 2024.

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SRPT-VYDS-0246878-884 at 878.

<sup>33</sup> SRPT-VYDS-0246982-983 at 982.

<sup>34</sup> SRPT-VYDS-0247020-044 at 020.

<sup>35</sup> SRPT-VYDS-0246897-921 at 897.

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SRPT-VYDS-0247080.

<sup>37</sup> SRPT-VYDS-0246982-983 at 982.

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18.

19. Contrary to that position, I understand from a conversation with Peter Walsh, Tax Planning and Compliance at Sarepta Therapeutics, Inc. and Director and Secretary for ST International Holdings Two, Inc., that [REDACTED]

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<sup>38</sup> SRPT-VYDS-0247020-044 at 020; SRPT-VYDS-0246897-921 at 897.

<sup>39</sup> See Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Letter Brief Regarding Late Produced Licensing and No Lost Profits, May 7, 2024, at 1.

<sup>40</sup> Discussion with Peter Walsh, Senior Director, Tax Planning and Compliance at Sarepta Therapeutics, Inc. and Director and Secretary for ST International Holdings Two, Inc., on November 4, 2024.

<sup>41</sup> SRPT-VYDS-0246982-983 at 982.

<sup>42</sup> SRPT-VYDS-0247045-057; discussion with Peter Walsh, Senior Director, Tax Planning and Compliance at Sarepta Therapeutics, Inc. and Director and Secretary for ST International Holdings Two, Inc., on November 4, 2024.

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20. Even if Counter-Defendants are correct that

21. Nevertheless, if the Court determines that Sarepta cannot recover lost profits for the period April 1, 2021, to May 11, 2022, then my analysis can be updated accordingly. Of the [REDACTED] vial sales of VILTEPSO® sold through December 15, 2024, [REDACTED] vials were sold between April 1, 2021 and May 11, 2022.<sup>45</sup> I calculated [REDACTED] vial sales of VILTEPSO® sold between August 19, 2020 through March 31, 2021, and May 12, 2022 through December 15, 2024,<sup>46</sup> would have resulted in [REDACTED] incremental vial sales of VYONDYS 53®,<sup>47</sup> which would

*ee also* May 8, 2024 Declaration of Peter Walsh at ¶ 22-23.

<sup>43</sup> SRPT-VYDS-0246922-947 at 929.

<sup>44</sup> SRPT-VYDS-0246982-983 at 982.

45 Second Supplemental Tab 4. 33,371 calculated by summing monthly VILTEPSO® Vials Sold (row [1]) from April 2021 through May 2022 (where May 2022 is prorated by a factor of 11/31).

46 Calculated as

47 Calculated as [REDACTED] (the VILTEPSO® to VYONDYS 53® vial conversion ratio). See Tab 6.

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have generated approximately [REDACTED] in incremental net sales and [REDACTED] in incremental profits.<sup>48</sup>

22. My analysis can similarly be updated if the Court instead determines that Sarepta cannot recover lost profits for the period January 4, 2022, to May 11, 2022. Of the [REDACTED] vial sales of VILTEPSO® sold through December 15, 2024, [REDACTED] vials were sold between January 4, 2022 and May 11, 2022.<sup>49</sup> I calculated [REDACTED] vial sales of VILTEPSO® sold between August 19, 2020 through January 3, 2022 and May 12, 2022 through December 15, 2024,<sup>50</sup> would have resulted in [REDACTED] incremental vial sales of VYONDYS 53®,<sup>51</sup> which would have generated approximately [REDACTED] in incremental net sales and [REDACTED] in incremental profits.<sup>52</sup>

<sup>48</sup> Second Supplemental Tab 4. [REDACTED] calculated by summing monthly VYONDYS 53® Lost Net Sales (row [8]) from August 2020 through March 2021 and May 2022 through December 15, 2024 (where May 2022 is prorated by a factor of 20/31); [REDACTED] calculated by summing monthly VYONDYS 53® Lost Incremental Profit (row [11]) from August 2020 through March 2021 and May 2022 through December 15, 2024 (where May 2022 is prorated by a factor of 20/31). I calculated a reasonable royalty for these [REDACTED] vials of approximately [REDACTED]. Second Supplemental Tab 5. [REDACTED] million calculated by summing monthly U.S. Reasonable Royalties (row [10]) from April 2021 through May 2022 (where May 2022 is prorated by a factor of 11/31). My Scenario 1 damages in this case would therefore be [REDACTED], calculated as [REDACTED] (U.S. lost profits) + [REDACTED] (U.S. reasonable royalties) + [REDACTED].

<sup>49</sup> Second Supplemental Tab 4. [REDACTED] calculated by summing monthly VILTEPSO® Vials Sold (row [1]) from January 2022 through May 2022 (where January 2022 is prorated by a factor of 28/31 and May 2022 is prorated by a factor of 11/31).

<sup>50</sup> Calculated as [REDACTED].

<sup>51</sup> Calculated as [REDACTED] (the VILTEPSO® to VYONDYS 53® vial conversion ratio). See Tab 6.

<sup>52</sup> Second Supplemental Tab 4. [REDACTED] calculated by summing monthly VYONDYS 53® Lost Net Sales (row [8]) from August 2020 through January 2022 (where January 2022 is prorated by a factor of 3/31) and May 2022 through December 15, 2024 (where May 2022 is prorated by a factor of 20/31); [REDACTED] calculated by summing monthly VYONDYS 53® Lost Incremental Profit (row [11]) from August 2020 through January 2022 (where January 2022 is prorated by a factor of 3/31) and May 2022 through December 15, 2024 (where May 2022 is prorated by a factor of 20/31). I calculated a reasonable royalty for these [REDACTED] vials of approximately [REDACTED]. Second Supplemental Tab 5. [REDACTED] calculated by summing monthly U.S. Reasonable Royalties (row [10]) from January 2022 through May 2022 (where January 2022 is prorated by a factor of 28/31 and May 2022 is prorated by a factor of 11/31). My Scenario 1 damages in this case would therefore be [REDACTED], calculated as [REDACTED] (U.S. lost profits) + [REDACTED] (U.S. reasonable royalties) [REDACTED].

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### III. REASONABLE ROYALTY DAMAGES ANALYSIS

23. My opinions regarding the date of the hypothetical negotiation, parties to the negotiation, form of royalty, and royalty base have not changed since the Jarosz Opening Report, Jarosz Reply Report, and Jarosz Supplemental Opening Report. As identified in the Jarosz Opening Report, the date of the hypothetical negotiation would be August 2020;<sup>53</sup> the parties to the negotiation would be Sarepta as the licensor and NS as the licensee;<sup>54</sup> the appropriate royalty form would be a running royalty<sup>55</sup> and the royalty base is the net revenues of VILTEPSO®.<sup>56</sup>

24. As determined in the Jarosz Opening Report, the appropriate royalty rate would be [REDACTED] on VILTEPSO® net sales. Applied to [REDACTED] in U.S. Accused Sales through December 15, 2024,<sup>57</sup> a [REDACTED] royalty rate would suggest a reasonable royalty of approximately [REDACTED].<sup>58</sup> Applied to [REDACTED] through December 15, 2024, a [REDACTED] royalty would suggest an additional reasonable royalty of approximately [REDACTED].<sup>60</sup>

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<sup>53</sup> Jarosz Opening Report, at ¶ 118-120; Jarosz Supplemental Opening Report, at ¶14.

<sup>54</sup> Jarosz Opening Report, at ¶ 121; Jarosz Supplemental Opening Report, at ¶14.

<sup>55</sup> Jarosz Opening Report, at ¶ 122-127; Jarosz Supplemental Opening Report, at ¶14.

<sup>56</sup> Jarosz Opening Report, at ¶ 128-132; Jarosz Supplemental Opening Report, at ¶14.

<sup>57</sup> Counter-Defendants provided data through August 2024 (see NS00157824, at tab ‘Commercial\_24,’ NS00156942, and NS00157826). I assume that VILTEPSO® U.S. vials sold and per vial selling price from September 2024 through December 2024 (prorated to December 15) are equal to those in August 2024. I conservatively assume [REDACTED]. See Second Supplemental Tab 5. I will update my analysis if additional data is made available to me.

<sup>58</sup> Second Supplemental Tab 3; Second Supplemental Tab 5.

<sup>59</sup> Second Supplemental Tab 11.

<sup>60</sup> Second Supplemental Tab 3; Second Supplemental Tab 5. Additionally, I understand that, between November 2022 and June 2023, Nippon Shinyaku received royalty payments of roughly [REDACTED]. See Second Supplemental Tab 11; Nippon Shinyaku Co. Ltd. and NS Pharma Inc.’s First Supplemental Responses and Objections to Sarepta Therapeutics Inc.’s Sixth Set of Interrogatories (Nos. 30-35), August 15, 2023, at 12.

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#### **IV. POST-TRIAL CONSIDERATIONS**

##### **A. On-going Royalty**

25. I understand that, even if it prevails on liability in this matter, Sarepta will not seek a permanent injunction. In that case, an on-going royalty may be appropriate to compensate Sarepta for losses associated with the continued sale of VILTEPSO® between December 16, 2024 (after the expected start of trial) and June 28, 2025 (the expiration of the Wilton Patent).

26. At the point at which an on-going royalty is deemed to be appropriate, I am prepared to provide my opinion on what that should be. My determination will undoubtedly consider evidence presented at trial, expert opinions, Sarepta's on-going lost profits, if any, and considerations that typically underlie determination of a reasonable royalty, including design-around alternatives available to NS as of the point of trial.

##### **B. Prejudgment Interest**

27. Courts allow injured parties to receive prejudgment interest on damage awards in order to compensate successful plaintiffs for the passage of time. The appropriate interest rate is one that fairly compensates the plaintiff for the time value of money while properly accounting for risk in a financial sense. Should the Court determine that prejudgment interest is due after a judgment is entered in this case, the appropriate interest rate to use is, at least, the short-term Treasury bill rate.

28. This relatively low, mostly riskless rate may be the appropriate rate because it conforms to the fundamental tenet of finance that investors who bear less risk should earn lower profits or returns. Conversely, higher returns accrue to investors who bear higher risk. Because the Counter-Plaintiffs bear some risk that the Counter-Defendants cannot or will not pay the judgment

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at issue here, the correct interest rate is no lower than a risk-free rate. I have summarized those rates in Second Supplemental Tab 21.

29. The risk/return tradeoff described above makes common sense. People or companies will only invest their hard-earned capital if the expected return is high enough to compensate for the expected risk of the investment. For example, investors in high-tech stocks expect a much higher return on average than investors in U.S. Treasury bills. However, this does not mean that the higher return from the high-tech stock is automatic, or risk-free. In fact, just the opposite is true. Individual high-tech investments can be lost entirely or can result in huge profits. The higher expected return on high-tech stocks is only available to investors on average and across a large number of years. In other words, if investors could earn this higher expected return, or cost of capital, over relatively short periods of time and with no additional risk, there would be a “free-lunch” situation. In essence, investors would be able to earn a high rate of return for free.

**C. Enhanced Damages**

30. I understand that the Court may award enhanced damages if the Counter-Defendants are determined to have willfully infringed the Wilton Patent. I am prepared to calculate treble damages in the event such damages are deemed appropriate.

**V. CONCLUSION**

31. As discussed in the Jarosz Opening Report and the Jarosz Supplemental Opening Report, it is my expert opinion that lost profits are the appropriate form of damages here for

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Counter-Defendants' U.S. sales and a reasonable royalty of [REDACTED] of VILTEPSO® net sales [REDACTED] [REDACTED].<sup>61</sup>

32. Supplementing my damages analysis to account for the updated data, I find that in scenario 1, lost profits damages are [REDACTED] (covering U.S. sales from August 2020 through December 15, 2024) and reasonable royalty damages are [REDACTED] [REDACTED], for a total of [REDACTED] in damages.<sup>62</sup>

33. For scenario 2, reasonable royalty damages are [REDACTED] (covering August 2020 through December 15, 2024, for U.S. sales [REDACTED] [REDACTED]).<sup>63</sup>

34. I will update my analysis, if allowed, to incorporate additional data made available as of trial. Assuming liability is established at trial, an on-going royalty may be appropriate to compensate Sarepta for losses associated with the continued sale of VILTEPSO® between December 16, 2024 (after the expected start of trial) and June 28, 2025 (the expiration of the Wilton Patent). At the point at which an on-going royalty is deemed to be appropriate, I am prepared to provide my opinion on what that should be.



John C. Jarosz  
November 5, 2024

<sup>61</sup> Jarosz Opening Report, at ¶¶ 12-13; Jarosz Supplemental Opening Report, at ¶ 4.

<sup>62</sup> Second Supplemental Tab 3.

<sup>63</sup> Second Supplemental Tab 3.

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John Jarosz, a Managing Principal of Analysis Group, Inc., specializes in applied microeconomics and industrial organization. He has performed research, given economic testimony, and provided strategy consultation in intellectual property, licensing, and commercial damages matters, including:

- evaluation of damages in patent, copyright, trade secret, trademark, and unfair competition cases (including lost profits, reasonable royalties, price erosion, unjust enrichment, accelerated market entry, and pre-judgment interest);
- evaluation of injunctive relief and commercial success in a variety of intellectual property cases;
- strategy consultation regarding the nature and value of technology, methods to share technology, and reasonable compensation terms;
- analysis of compliance with FRAND/RAND commitments; and
- general commercial damages testimony in a variety of cases and across numerous industries.

Mr. Jarosz has been recognized for many years as among the top economic experts for IP matters by *Intellectual Asset Management* (IAM) in the IAM Patent 1000, which identifies leading patent professionals around the globe.

Prior to joining Analysis Group, Mr. Jarosz was a Director with Putnam, Hayes & Bartlett, Inc. Before that, he was a Senior Analyst with Richard J. Barber Associates, a Section Supervisor with Mutual of Omaha Insurance, and a Research Analyst with the Center for the Study of American Business.

**EDUCATION**

J.D.	University of Wisconsin
M.A. & Ph.D. candidate	Economics, Washington University, St. Louis
B.A., Summa Cum Laude	Economics and Organizational Communication, Creighton University

**PROFESSIONAL ASSOCIATIONS/MEMBERSHIPS**

- American Economic Association
- American Law and Economics Association
- American Bar Association (Sections: Intellectual Property, Antitrust and Litigation)
- State Bar of Wisconsin (Section: Intellectual Property)

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- American Intellectual Property Law Association (Sections: Federal Litigation, Licensing, Trade Secrets and Antitrust)
- Licensing Executives Society
  - Former Chair, Valuation and Taxation Committee
  - Former Member, Certified Licensing Professional Exam Writing Team
- Former Advisory Board - *The IP Litigator*
- Former Columnist (Damage Awards) - *The IP Litigator*
- Omicron Delta Epsilon (International Honor Society in Economics)
- Association of University Technology Managers
- Certified Licensing Professional
- Intellectual Property Owners Association (Committee: Damages and Injunctions)
- 2011 Presidential Rank Review Board
- Referee, Journal of Forensic Economics
- The Sedona Conference (Sections: Best Practices in Patent Litigation, Patent Damages and Remedies)
- IAM Patent 1000 (2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023): The World's Leading Patent Practitioners - Economic Experts
- Former Panelist, IP Law360: Voices of the Bar

## TESTIMONIAL EXPERIENCE

### Patent Cases – Damages

- **TMT Systems, Inc., and Timur P. Sarac v. Medtronic, Inc.**  
*United States District Court, Western District of Texas, Waco Division (Case No. 6:20-cv-00973-ADA)*  
Trial and deposition testimony and expert report: reasonable royalty involving patent directed to stent graft technology used to treat abdominal aortic aneurysms.
- **Allele Biotechnology and Pharmaceuticals, Inc. v. Regeneron Pharmaceuticals, Inc.**  
*United States District Court, Southern District of New York (Civil Action No. 7:20-cv-08255 (PMH (AEK))*  
Deposition testimony and expert report: reasonable royalty damages involving a patent directed to fluorescent proteins used in antibody testing.
- **Nippon Shinyaku Co., Ltd. v. Sarepta Therapeutics, Inc.; Sarepta Therapeutics, Inc. and The University of Western Australia v. Nippon Shinyaku Co., Ltd. and NS Pharma, Inc.**  
*United States District Court, District of Delaware (Case No. 21-1015-GBW)*  
Deposition testimony and expert reports: lost profits, reasonable royalty damages, and commercial success involving patents directed to the treatment of Duchenne Muscular Dystrophy (DMD).

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- **Sight Sciences, Inc. v. Ivantis, Inc., Alcon Research LLC, Alcon Vision LLC, and Alcon, Inc.**  
*United States District Court, District of Delaware (Case No. 21-1317-VAC-SRF)*  
Trial and deposition testimony and expert reports: lost profits, reasonable royalty, prejudgment interest, and permanent injunction involving patents directed to devices used in minimally invasive glaucoma surgeries.
- **Invacare Corporation v. Sunrise Medical (US) LLC**  
*United States District Court, District of Delaware (Case No. 21-823 (JPM))*  
Deposition testimony and expert report: reasonable royalty damages involving patents directed to power wheelchair technology.
- **Bel Power Solutions, Inc. v. Monolithic Power Systems, Inc.**  
*United States District Court, Western District of Texas, Waco Division (Case No. 6:21-cv-655-ADA)*  
Deposition testimony and expert reports: reasonable royalty damages involving patents directed to integrated circuit power converters.
- **Collision Communications, Inc. v. Nokia Corporation, Nokia Solutions and Networks OY, and Nokia of American Corporation**  
*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2:21-cv-00308)*  
Deposition testimony and expert reports: reasonable royalty damages involving patents directed to mobile telecommunication technologies.
- **Collision Communications, Inc. v. Telefonaktiebolaget LM Ericsson and Ericsson Inc.**  
*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2:21-cv-00327)*  
Deposition testimony and expert report: reasonable royalty damages involving patents directed to mobile telecommunication technologies.
- **Panasonic Corporation v. Getac Technology Corporation and Getac, Inc.**  
*United States District Court, Central District of California (Case No. 8:19-cv-01118-DOC-DFM)*  
Trial and deposition testimony and expert reports: monopolization/attempted monopolization counterclaim and design patent damages directed to market for rugged 2-in-1 portable computers.
- **Carnegie Institution of Washington and M7D Corporation v. Pure Grown Diamonds, Inc. and IIA Technologies PTE. Ltd d/b/a IIA Technologies**  
*United States District Court, Southern District of New York (Case No. 1:20-cv-00189-JSR)*  
Deposition testimony and expert report: reasonable royalty damages covering patents directed to methods and apparatus used for producing lab-grown diamonds.
- **Carnegie Institution of Washington and M7D Corporation v. Fenix Diamonds LLC**  
*United States District Court, Southern District of New York (Case No. 1:20-cv-00200-JSR)*  
Deposition testimony and expert report: reasonable royalty damages covering patents directed to methods and apparatus used for producing lab-grown diamonds.
- **BASF Plant Science, LP v. Commonwealth Scientific and Industrial Research Organisation; and Commonwealth Scientific and Industrial Research Organisation, Grains Research and Development, Corp., and Nuseed Pty Ltd. v. BASF Plant Science, LP and Cargill, Inc.**  
*United States District Court, Eastern District of Virginia (Case No. 17-cv-503-HCM)*  
Trial and deposition testimony and expert report: reasonable royalty damages and injunctive relief covering patents directed to the production of plant-derived omega-3 oils.

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- **Riddell, Inc. v. Kranos Corporation, d/b/a Schutt Sports**  
*United States District Court, Northern District of Illinois (Case No. 1:16-cv-04496)*  
Trial testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents covering football helmet technology.
- **Cedars-Sinai Medical Center v. Quest Diagnostics Inc. and Quest Diagnostics Nichols Institute**  
*United States District Court, Central District of California, Western Division (Case No. 17-cv-5169-GW-FFM)*  
Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and patent infringement involving diagnostic testing for irritable bowel syndrome (IBS).
- **Roche Diagnostics Corporation v. Meso Scale Diagnostics, LLC and Meso Scale Diagnostics, LLC v. Roche Diagnostics Corporation and BioVeris Corporation**  
*United States District Court, District of Delaware (Case No. 17-189 (LPS)(CJB))*  
Trial and deposition testimony and expert report: reasonable royalty damages related to alleged patent infringement involving electrochemiluminescent detection technology used in immunoassay kits.
- **Kranos IP Corporation, Kranos IP II Corporation, and Kranos Corporation d/b/a Schutt Sports v. Riddell, Inc.**  
*United States District Court, Northern District of Illinois (Case No. 1:17-cv-06802)*  
Deposition testimony and expert report: reasonable royalty damages and prejudgment interest involving patents covering football helmet technology.
- **Nichia Corporation v. Vizio, Inc.**  
*United States District Court, Central District of California (Case No. 8:16-cv-00545)*  
Deposition testimony and expert report: reasonable royalty damages and commercial success involving patents directed to light emitting diodes (LEDs).
- **Syngenta Crop Protection, LLC v. Willowood, LLC, Willowood USA, LLC, Willowood Azoxystrobin, LLC, and Willowood Limited**  
*United States District Court, Middle District of North Carolina (Case No. 1:15-cv-274)*  
Trial and deposition testimony and expert report: damages and prejudgment interest related to alleged patent and copyright infringement involving crop fungicide.
- **Integra Lifesciences Corporation, Integra Lifesciences Sales, LLC, Confluent Surgical, Inc., and Incept, LLC v. Hyperbranch Medical Technology, Inc.**  
*United States District Court, District of Delaware (Case No. 15-cv-00819)*  
Trial and deposition testimony and expert reports: lost profits, price erosion, reasonable royalty, prejudgment interest, preliminary relief, and commercial success involving patents directed to cranial and spinal dural repair sealants.
- **Blue Spike, LLC v. Toshiba America, Inc., and Toshiba Corporation**  
*United States District Court, Eastern District of Texas, Tyler Division (Case No. 6:16-CV-430-RWS-JDL)*  
Damages hearing and early expert report: damages related to alleged patent infringement involving address space layout randomization (ASLR) technology.

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- **Audio MPEG, Inc., U.S. Philips Corporation, TDF SAS, and Institut Für Rundfunktechnik GmbH v. Dell, Inc.**  
*United States District Court, Eastern District of Virginia, Norfolk Division (Case No. 1:15-CV-1674 AJT/TCB)*  
Deposition testimony and expert report: analysis of patent pool compliance with FRAND commitments and determination of FRAND-compliant royalties involving patents directed to the transmission and storage of digital audio files.
- **Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation v. ZOLL Medical Corporation**  
*United States District Court, District of Massachusetts (Case No. 1:10-cv-11041)*  
Trial and deposition testimony and expert report: lost profits, reasonable royalty damages, and prejudgment interest related to alleged patent infringement involving external defibrillators.
- **Erfindergemeinschaft UroPep GbR v. Eli Lilly and Company and Brookshire Brothers, Inc.**  
*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2:15-cv-1202-WCB)*  
Trial and deposition testimony and expert report: reasonable royalty damages related to alleged patent infringement directed to phosphodiesterase (PDE) V inhibitor(s) indicated for the treatment of benign prostatic hyperplasia.
- **Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation v. ZOLL Lifecor Corporation**  
*United States District Court, Western District of Pennsylvania (Case No. 2:2012-cv-01369)*  
Deposition testimony and expert report: damages related to alleged patent infringement involving wearable defibrillators.
- **Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd, Central Garden and Pet Co., et al.; Shenzhen Liown Electronics Co., Ltd, Central Garden and Pet Co. v. Luminara Worldwide, LLC, et al. ; and Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd and Central Garden and Pet Co., et al.**  
*United States District Court, District of Minnesota (Case Nos. 14-cv-03103 (SRN/FLN) and 15-cv-03028 (SRN/FLN))*  
Deposition testimony and expert reports: damages associated with alleged patent infringement and breach of contract, and unjust enrichment associated with breach of non-disclosure agreement and use of trade secrets, related to flameless candle technology and distribution.
- **MobileMedia Ideas LLC v. Apple, Inc.**  
*United States District Court, District of Delaware (Case No. 10-258-SLR)*  
Trial and deposition testimony and expert report: reasonable royalty involving patents directed to incoming call, playlist, and location detection features used in smartphones, tablets, and portable media players.
- **MAZ Encryption Technologies LLC v. BlackBerry Corporation**  
*United States District Court, District of Delaware (Case No. 1:13-cv-00304-LPS)*  
Deposition testimony and expert report: reasonable royalty involving a patent directed to encryption/decryption methods used in smartphone and tablet operating systems.

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- **BroadSoft, Inc. v. Callwave Communications, LLC**  
*United States District Court, District of Delaware (Case No. 13-cv-0711-RGA)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to telecommunications call processing.
- **Advanced Video Technologies, LLC v. BlackBerry, LTD. and BlackBerry Corporation**  
*United States District Court, Southern District of New York (Case No. 1:11-cv-06604-CM-RLE)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to video compression and decompression.
- **Drone Technologies, Inc. v. Parrot S.A. and Parrot, Inc.**  
*United States District Court, Western District of Pennsylvania (Case No. 2:14-cv-0111)*  
Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to drone technology.
- **Bayer CropScience AG and Bayer CropScience NV v. Dow AgroSciences LLC, Mycogen Plant Science Inc., Agrigenetics, Inc. d/b/a Mycogen Seeds LLC, and PhytoGen Seed Company, LLC**  
*International Chamber of Commerce (Case No. 18892/VRO/AGF)*  
Arbitration hearing testimony and expert report: damages associated with alleged breach of contract and patent infringement involving genetically modified seed.
- **CertusView Technologies, LLC v. S & N Locating Services LLC and S & N Communications, Inc.**  
*United States District Court, Eastern District of Virginia, Norfolk Division (Case No. 2:13-cv-346 (MSD/LRL))*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to creation of electronic sketches for utility location purposes.
- **Ecolab USA Inc. and Kleancheck Systems, LLC v. Diversey, Inc.**  
*United States District Court, District of Minnesota (Civil Action No. 12-cv-1984 (SRN/JJG))*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving products covering the monitoring of hospital cleaning.
- **Everlight Electronics Co. Ltd., and Emcore Corporation v. Nichia Corporation and Nichia America Corporation v. Everlight Americas, Inc.**  
*United States District Court, Eastern District of Michigan, Southern Division (Case No. 4:12-cv-11758 GAD-MKM)*  
Trial and deposition testimony, expert report and declaration: commercial success, lost profits, reasonable royalty, and prejudgment interest involving patents directed to LEDs.
- **Source Search Technologies, LLC v. Kayak.com, Inc.**  
*United States District Court, District of New Jersey (Case No. 2:11-cv-03388-FSH-MAH)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to online exchanges.
- **Universal Electronics, Inc. v. Universal Remote Control, Inc.**  
*United States District Court, Central District of California, Southern Division (Case No. SACV12-329AG (JPRx))*  
Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to universal remotes.

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- **Prowess, Inc. v. RaySearch Laboratories AB, et al.**  
*United States District Court, District of Maryland (Case No. 11 CV 1357 (WDQ))*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to treatment planning software for radiation therapy.
- **JDS Therapeutics, LLC and Nutrition 21, LLC v. Pfizer Inc., Wyeth LLC, Wyeth Consumer Healthcare Ltd., and Wyeth Consumer Healthcare LLC**  
*United States District Court, Southern District of New York (Case No. 1:12-cv-09002-JSR)*  
Deposition testimony and expert report: commercial success, reasonable royalty, and unjust enrichment involving patents and trade secrets directed to the use of chromium picolinate in multi-vitamins.
- **comScore, Inc. v. Moat, Inc.**  
*United States District Court, Eastern District of Virginia, Norfolk Division (Case No. 2:12CV695-HCM/DEM, Lead Case 2:12CV351-HCM/DEM)*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to online analytics.
- **Impulse Technology Ltd. v. Microsoft Corporation, Electronic Arts, Inc., Ubisoft Holdings, Inc., and Konami Digital Entertainment Inc.**  
*United States District Court, District of Delaware (Case No. 11-586-RGA-CJB)*  
Deposition testimony and expert report: reasonable royalty involving patents directed to video game motion detection functionalities.
- **LendingTree, LLC v. Zillow, Inc., NexTag, Inc., and Adchemy, Inc.**  
*United States District Court, Western District of North Carolina, Charlotte Division (Case No. 3:10-cv-439-FDW-DCK)*  
Trial and deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to internet loan matching systems.
- **Network Protection Sciences, LLC v. Fortinet, Inc.**  
*United States District Court, Northern District of California (Case No. 3:12-cv-01106-WHA)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to network security systems.
- **Shurtape Technologies, LLC and Shurtech Brands, LLC v. 3M Company**  
*United States District Court, Western District of North Carolina (Case No. 5:11-cv-00017)*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to painter's tape.
- **Abbott Biotechnology Ltd. and AbbVie, Inc. v. Centocor Ortho Biotech, Inc.**  
*United States District Court, District of Massachusetts (Case No. 09-40089-FDS)*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to the treatment of rheumatoid arthritis.

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- **Wi-LAN Inc. v. Alcatel-Lucent USA Inc.; Telefonaktiebolaget LM Ericsson; Ericsson Inc.; Sony Mobile Communications AB; Sony Mobile Communications (USA) Inc.; HTC Corporation; HTC America, Inc.; Exeeda Inc.; LG Electronics, Inc.; LG Electronics Mobilecomm U.S.A., Inc.; and LG Electronics U.S.A., Inc.**  
*United States District Court, Eastern District of Texas (Case No. 6:10-CV-521-LED)*  
Trial and deposition testimony, affidavit, and expert report: reasonable royalty and prejudgment interest involving patents directed to wireless telecommunication systems.
- **Epos Technologies Ltd.; Dane-Elec S.A.; Dane-Elec Memory S.A.; and Dane-Elec Corporation USA v. Pegasus Technologies Ltd. and Luidia, Inc.**  
*United States District Court, District of Columbia (Case No. 07-cv-00416-WMN)*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to digital pen products.
- **Life Technologies Corporation; Applied Biosystems, LLC; Institute for Protein Research; Alexander Chetverin; Helena Chetverina; and William Hone v. Illumina, Inc. and Solexa, Inc.**  
*United States District Court, Southern District of California (Case No. 3:11-cv-00703)*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to DNA amplification and sequencing technology.
- **TomTom, Inc. v. Michael Adolph**  
*United States District Court, Eastern District of Virginia (Case No. 1:12-cv-528)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to automotive navigation systems.
- **Carl B. Collins and Farzin Davanloo v. Nissan North America, Inc. and Nissan Motor Co., Ltd.**  
*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2:11-cv-00428-JRG)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to automotive engines.
- **I.E.E. International Electronics & Engineering, S.A. and IEE Sensing, Inc. v. TK Holdings, Inc.**  
*United States District Court, Eastern District of Michigan (Case No. 2:10-cv-13487)*  
Deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents directed to capacitive sensing used in automotive seats.
- **St. Clair Intellectual Property Consultants, Inc. v. Acer, Inc., et al.; Microsoft Corporation v. St. Clair Intellectual Property Consultants, Inc.**  
*United States District Court, District of Delaware (Case No. 09-354-JJF; 09-704-JJF; and 10-282-LPS)*  
Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to power management, bus configuration and card slot technology in laptops and desktops.
- **CardioFocus, Inc. v. Xintec Corporation (d/b/a Convergent Laser Technologies); Trimedyne, Inc.; and Cardiogenesis Corporation**  
*United States District Court, District of Massachusetts (Case No. 1:08-cv-10285 NMG)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to laser devices used for the treatment of advanced coronary artery disease.

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▪ **Avocent Redmond Corp. v. Raritan Americas, Inc.**

*United States District Court, Southern District of New York (Case No. 10-cv-6100 (PKC)(JLC))*

Deposition testimony and expert report: lost profits, lost royalties, reasonable royalty and prejudgment interest involving a patent and contract directed to software and hardware products and technologies that provide connectivity and centralized management of IT infrastructure through KVM switches.

▪ **Frontline Placement Technologies, Inc. v. CRS, Inc.**

*United States District Court, Eastern District of Pennsylvania (Case No. 2:07-CV-2457)*

Deposition testimony and expert report: lost profits, lost royalties, reasonable royalty and prejudgment interest involving a patent and contract directed to automated substitute fulfillment software.

▪ **Novozymes A/S and Novozymes North America, Inc. v. Danisco A/S; Genecor International Wisconsin, Inc.; Danisco US Inc.; and Danisco USA Inc.**

*United States District Court, Western District of Wisconsin (Case No. 10-CV-251)*

Trial and deposition testimony and expert report and expert declaration: lost profits, reasonable royalty, prejudgment interest and irreparable harm involving a patent directed to alpha-amylases used for fuel ethanol.

▪ **Triangle Software, LLC v. Garmin International, Inc.; Garmin USA, Inc.; TomTom, Inc.; and Volkswagen Group of America, Inc.**

*United States District Court, Eastern District of Virginia, Alexandria Division (Case No. 1:10-CV-01457-CMH-TCB)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to providing personal navigation device functionality.

▪ **Northeastern University and JARG Corporation v. Google, Inc.**

*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2:07-cv-486(CE))*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to internet index and search technology.

▪ **Bissell Homecare, Inc. v. Dyson, Inc.**

*United States District Court, Western District of Michigan (Case No. 1:08-cv-724)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to vacuum cleaner collection and discharge.

▪ **Toshiba Corporation v. Imation Corp.; Moser Baer India Ltd; Glyphics Media, Inc.; Ritek Corp.; Advanced Media, Inc.; CMC Magnetics Corp.; Hotan Corp.; and Khypermedia Corp.**

*United States District Court, Western District of Wisconsin (Case No. 3:09-cv-00305-slc)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to DVDs.

▪ **Affinity Labs of Texas, LLC. v. BMW North America, LLC, et al.**

*United States District Court, Eastern District of Texas, Lufkin Division (Case No. 9:08-CV-00164-RC)*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to connecting a portable audio player to an automobile sound system.

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▪ **Regents of the University of Minnesota v. AGA Medical Corp.**

*United States District Court, District of Minnesota (Case No. 0:07-cv-04732 (PJS/RLE))*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to septal occlusion devices.

▪ **Ethicon Endo-Surgery, Inc. v. Hologic Inc. and Suros Surgical Systems, Inc.**

*United States District Court, Southern District of Ohio, Western Division (Case No. 07-cv-00834)*

Trial and deposition testimony and expert report: lost profits and reasonable royalty involving patents directed to biopsy equipment and methods, and the biopsy of soft tissue.

▪ **Humanscale Corp. v. CompX International, Inc. and CompX Waterloo**

*United States District Court, Eastern District of Virginia, Richmond Division (Case No. 3:09-CV-86-JRS)*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to keyboard support mechanisms.

▪ **Carl Zeiss Vision GMBH and Carl Zeiss Vision International GMBH v. Signet Armorlite, Inc.**

*United States District Court, Southern District of California (Case No. 09-CV-0657-DMS (POR))*

Trial testimony and deposition testimony and expert report: lost profits, reasonable royalty, and lost licensing fees involving a patent directed to progressive eyeglass lenses.

▪ **ShopNTown LLC v. Landmark Media Enterprises, LLC**

*United States District Court, Eastern District of Virginia, Norfolk Division (Case No. 2:08CV564)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to rental matching systems over the internet.

▪ **Cerner Corp. v. Visicu, Inc.**

*United States District Court, Western District of Missouri, Western Division (Case No. 04-1033-CV-W-GAF)*

Trial and deposition testimony and expert report: lost profits and reasonable royalty involving patents directed to electronic ICU monitoring systems.

▪ **Sanofi-Aventis Canada Inc.; Schering Corp.; and Sanofi-Aventis Deutschland GmbH v. Apotex/Novopharm Limited**

*Federal Court of Canada (Case No. T-1161-07/T-161-07)*

Trial testimony and expert report: lost profits and reasonable royalty involving a patent directed to hypertension treatment.

▪ **C2 Communications Technologies, Inc. v. Qwest Communications Corp; Global Crossing**

**Telecommunications, Inc.; and Level 3 Communications, LLC**

*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2-06CV-241 TJW)*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to carrying PSTN calls via Voice over Internet Protocol (VoIP).

▪ **Siemens AG v. Seagate Technology**

*United States District Court, Central District of California, Southern Division (Case No. SA CV 06-788 JVS (ANx))*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to hard disk drive technology.

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- **Siemens Medical Solutions USA, Inc. v. Saint-Gobain Ceramics & Plastics, Inc.**  
*United States District Court, District of Delaware (Case No. 07-190-SLR)*  
Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to medical scanner technology.
- **Aventis Pharma, S.A. v. Baxter Healthcare Corp.**  
*Arbitration*  
Arbitration hearing and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to hemophilia treatment.
- **Every Penny Counts, Inc. v. Bank of America Corp. and Bank of America, N.A.**  
*United States District Court, Middle District of Florida, Fort Myers Division (Case No. 2:07-CV-42-FTM-29SPC)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to the Keep the Change debit card program.
- **DEKALB Genetics Corp. v. Syngenta Seeds, Inc.; Golden Harvest Seeds, Inc.; Sommer Bros. Seed Co.; JR Robinson Seeds, Inc.; and Garst Seed Co.**  
*United States District Court, Eastern District of Missouri (Case No. 4:06CV01191MLM)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to genetically modified corn.
- **International Flora Technologies, Ltd. v. Clarins U.S.A.**  
*United States District Court, District of Arizona (Case No. 2:06-CV-01371-ROS)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to skin care products.
- **Howmedica Osteonics Corp. v. Zimmer, Inc.; Centerpulse Orthopedics, Inc. (formerly known as Sulzer Orthopedics, Inc.); and Smith & Nephew, Inc.**  
*United States District Court, District of New Jersey (Case No. 05-0897 (WHW))*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to hip implant technology.
- **Elan Pharma International, Ltd. v. Abraxis Bioscience, Inc.**  
*United States District Court, District of Delaware (Case No. 06-438-GMS)*  
Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to nanotechnology drug delivery.
- **Mobile Micromedia Solutions LLC v. Nissan North America, Inc.**  
*United States District Court, Eastern District of Texas, Texarkana Division (Case No. 505-CV-230)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to automotive entertainment systems.
- **Nichia Corp. v. Seoul Semiconductor, Ltd. and Seoul Semiconductor, Inc.**  
*United States District Court, Northern District of California (Case No. 3:06-CV-00162-MMC (JCS))*  
Trial and deposition testimony and expert report: reasonable royalty, unjust enrichment, and prejudgment interest involving patents directed to light emitting diodes (LEDs).

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▪ **NetRatings, Inc. v. WebSideStory, Inc.**

*United States District Court, Southern District of New York (Case No. 06-CV-878(LTS)(AJP))*

Deposition testimony and expert report: reasonable royalty involving technology directed to internet audience measurement and analysis.

▪ **Ernest K. Manders, M.D. v. McGhan Medical Corp.**

*United States District Court, Western District of Pennsylvania (Case No. 02-CV-1341)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to implantable tissue expanders.

▪ **Source Search Technologies, LLC v. LendingTree, Inc.; IAC/InterActiveCorp; and ServiceMagic, Inc.**

*United States District Court, District of New Jersey (Case No. 2:04-CV-4420)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to online exchanges.

▪ **The Boeing Co. v. The United States**

*United States Court of Federal Claims (Case No. 00-705 C)*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to a process for aging aluminum lithium alloys used for space shuttle external tanks.

▪ **Bridgestone Sports Co., Ltd. and Bridgestone Golf, Inc. v. Acushnet Co.**

*United States District Court, District of Delaware (Case No. 05-132-(JJF))*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to cores, intermediate layers and covers of golf balls.

▪ **Dyson Technology Ltd. and Dyson, Inc. v. Maytag Corp.**

*United States District Court, District of Delaware (Case No. 05-434-GMS)*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to upright cyclonic vacuum cleaners.

▪ **Verizon Services Corp. and Verizon Laboratories, Inc. v. Vonage Holdings Corp. and Vonage America, Inc.**

*United States District Court, Eastern District of Virginia (Case No. 1:06CV682)*

Trial and deposition testimony and expert report: permanent injunction, lost profits, and reasonable royalty involving patents directed to Voice over Internet Protocol (VoIP) platforms.

▪ **Hitachi, LTD v. BorgWarner, Inc.**

*United States District Court, District of Delaware (Case No. 05-048-SLR)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to automotive cam shaft technology.

▪ **Innogenetics N.V. v. Abbott Laboratories**

*United States District Court, Western District of Wisconsin (Case No. 05-C-0575-C)*

Trial and deposition testimony and expert report: reasonable royalty involving a patent directed to HCV genotyping.

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▪ **O2 Micro International v. Monolithic Power Systems, Inc.**

*United States District Court, Northern District of California (Case No. 04-02000 CW; 06-02929 CW)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to AC to DC power converter circuits used for backlights.

▪ **Solvay Solexis, Inc. v. 3M Co.; 3M Innovative Properties Co.; and Dyneon LLC**

*United States District Court, District of New Jersey (Case No. 04-06162 (FSH/PS))*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to low temperature fluoroelastomers.

▪ **Target Technology Co., LLC v. Williams Advanced Materials, Inc., et al.**

*United States District Court, Central District of California (Case No. SACV04-1083 DOC (MLGx))*  
Deposition testimony and expert report: reasonable royalty and design-around alternatives involving a patent directed to silver alloy sputtering targets for DVDs.

▪ **Metrologic Instruments, Inc. v. Symbol Technologies, Inc.**

*United States District Court, District of New Jersey (Case No. 03cv2912 (HAA))*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to bar code scanners.

▪ **Eaton Corp. v. ZF Meritor, LLC**

*United States District Court, Eastern District of Michigan (Case No. 03-74844)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to truck clutches and transmissions.

▪ **Meritor Transmission Corp. v. Eaton Corp.**

*United States District Court, Western District of North Carolina (Case No. 1:04-CV-178)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to truck transmissions.

▪ **Monsanto Co. v. Syngenta Seeds, Inc.**

*United States District Court, District of Delaware (Case No. 04-305-SLR)*  
Deposition testimony and expert report: reasonable royalty involving patents directed to genetically modified corn seed.

▪ **Indiana Mills & Manufacturing, Inc. v. Dorel Industries, Inc.**

*United States District Court, Southern District of Indiana (Case No. 1:04-CV-1102)*  
Deposition testimony and expert report: damages and profits associated with alleged contract breach and patent infringement involving technology directed to automobile child restraint systems.

▪ **Paice LLC v. Toyota Motor Corp.**

*United States District Court, Eastern District of Texas, Marshall Division (Case No. 2-04CV-211) (DF)*  
Deposition testimony and expert report: reasonable royalty involving patents directed to hybrid-electric powertrain systems.

▪ **GTECH Corp. v. Scientific Games International**

*United States District Court, District of Delaware (Case No. 04-0138)*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to a system and method for distributing lottery tickets.

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- **WEDECO UV Technologies, Inc. v. Calgon Carbon Corp.**  
*United States District Court, District of New Jersey (Case No. 01-924)*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to treatment of potable water with UV light.
- **Khyber Technologies Corp. v. Casio, Inc; Everex Systems, Inc.; Hewlett-Packard Co.; and Hewlett-Packard Singapore PTE. LTD.**  
*United States District Court, District of Massachusetts (Case No. 99-CV-12468-GAO)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to audio playback for portable electronic devices.
- **Air Liquide America, L.P. v. P.H. Glatfelter Co.**  
*United States District Court, Middle District of Pennsylvania (Case No. 1:CV-04-0646)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to the use of ozone bleaching of pulp.
- **Gary J. Colassi v. Cybex International, Inc.**  
*United States District Court, District of Massachusetts (Case No. 02-668-JEL/JGL)*  
Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to treadmill support decks.
- **Medinol Ltd. v. Guidant Corp. and Advanced Cardiovascular Systems, Inc.**  
*United States District Court, Southern District of New York (Case No. 03 Civ.2604 (SAS))*  
Deposition testimony and expert report: reasonable royalty analysis and prejudgment interest involving patents directed to connectors for coronary and peripheral stents.
- **Donner, Inc. v. American Honda Motor Co.; McDavid Plano-Acura, L.P.; and The Beaumont Co.**  
*United States District Court, Eastern District of Texas, Texarkana Division (Case No. F:03-CV-253)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to automobile entertainment systems.
- **Nonin Medical, Inc. v. BCI, Inc.**  
*United States District Court, District of Minnesota, Fourth Division (Case No. 02-668-JEL/JGL)*  
Deposition testimony and expert report: reasonable royalty, lost profits, and prejudgment interest involving patents directed to finger clip pulse oximeters.
- **Stryker Trauma S.A. and Howmedica Osteonics Corp. v. Synthes (USA)**  
*United States District Court, District of New Jersey (Case No. 01-CV 3879 (DMC))*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to snap-fit external fixation systems.
- **Michael Foods, Inc. and North Carolina State University v. Rose Acre Farms, Inc.**  
*United States District Court, Eastern District of North Carolina, Western Division (Case No. 5:02-CV-477-H(3))*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to extended shelf life eggs.

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- **Waters Technologies Corp.; Waters Investments, Ltd.; Micromass UK Ltd.; and Micromass, Inc. v. Applera Corp.**  
*United States District Court, District of Delaware (Case No. 02-1285-GMS)*  
Deposition testimony and expert report: lost profits, price erosion, reasonable royalty, and prejudgment interest involving a patent directed to mass spectrometer ionization sources.
- **Medtronic Sofamor Danek, Inc. v. Gary K. Michelson, M.D. and Karlin Technology, Inc.**  
*United States District Court, Western District of Tennessee (Case No. 01-2373 GV)*  
Trial and deposition testimony and expert report: damages and profits associated with alleged contractual breaches, tortious interference and intentional negligent representations involving spinal implants.
- **Matsushita Electric Industrial Co. Ltd. v. Cinram International, Inc.**  
*United States District Court, District of Delaware (Case No. 01-882-SLR)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest covering patents directed to aspects of bonding substrates together to form optical discs, such as DVDs.
- **Boehringer Ingelheim Vetmedica, Inc. v. Schering-Plough Corp. and Schering Corp.**  
*United States District Court, District of New Jersey (Case No. 96-CV-04047)*  
Trial and deposition testimony and expert report: lost profits, reasonable royalty, price erosion, and prejudgment interest involving a patent directed to porcine vaccine (PRRS) products.
- **Arris International and Randall A. Holliday v. John Mezzalingua and Associates, Inc. d/b/a PPC**  
*United States District Court, District of Colorado (Case No. 01-WM-2061)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to coaxial cable connectors.
- **Promega Corp. v. Applera Corp.; and Lifecodes Corp., and its Subsidiaries Cellmark Diagnostics, Inc.; and Genomics International Corp.**  
*United States District Court, Western District of Wisconsin (Case No. 01-C-0244-C)*  
Deposition testimony and expert report: lost profit rate, reasonable royalty, and prejudgment interest involving a patent directed to DNA sequencing technology.
- **Alcon Laboratories, Inc. and Alcon Manufacturing, Ltd. v. Pharmacia Corp.; Pharmacia & Upjohn Co.; and The Trustees of Columbia University in the City of New York**  
*United States District Court, Southern District of New York (Case No. 01-Civ.2989 (WHP))*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to compositions for treatment of glaucoma.
- **Pharmacia Corp.; Pharmacia AB; Pharmacia Enterprises S.A.; and Pharmacia & Upjohn Co. v. Alcon Laboratories, Inc.**  
*United States District Court, Southern District of New York (Case No. 01-070-SLR)*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to compositions for treatment of glaucoma.
- **Takata Corp. v. AlliedSignal, Inc. and Breed Technologies, Inc.**  
*United States District Court, District of Delaware (Case No. 98-94-MMS)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest covering patents and trade secrets directed to seatbelt retractors.

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▪ **Chiron Corp. v. Genentech, Inc.**

*United States District Court, Eastern District of California (Case No. S-00-1252 WBS GGH)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest covering a patent directed to the active ingredient in an anti-cancer drug.

▪ **Greene, Tweed of Delaware, Inc. v. DuPont Dow Elastomers, LLC**

*United States District Court, Eastern District of Pennsylvania (Case No. 00-CV-3058)*

Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent covering perfluorelastomeric seals used in semiconductor fabrication applications.

▪ **Streck Laboratories v. Beckman Coulter, Inc.**

*United States District Court, District of Nebraska (Case No. 8:99CV473)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents covering hematology testing equipment.

▪ **Adobe Systems Inc. v. Macromedia, Inc.**

*United States District Court, District of Delaware (Case No. 00-743-JJF)*

Trial and deposition testimony and expert report: reasonable royalty involving patents covering computer video and audio software.

▪ **Dictaphone Corp. v. Nice Systems, Ltd.**

*United States District Court, District of Connecticut (Case No. 3:00-CV-1143)*

Deposition testimony and expert report: lost profits, price/margin erosion, reasonable royalty, and prejudgment interest involving patents covering digital logger systems.

▪ **Metrologic Instruments, Inc. v. PSC, Inc.**

*United States District Court, District of New Jersey (Case No. 99-CV-04876)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents covering bar code scanning equipment.

▪ **Genzyme Corp. v. Atrium Medical Corp.**

*United States District Court, District of Delaware (Case No. 00-958-RRM)*

Trial testimony and expert report: lost profits and price/margin erosion involving patents covering chest drainage systems.

▪ **Norian Corp. v. Stryker Corp.**

*United States District Court, Northern District of California (Case No. C-01-0016 (WHA))*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent covering bone cement.

▪ **John Mezzalingua Associates, Inc., d/b/a PPC v. Antec Corp.**

*United States District Court, Middle District of Florida (Case No. 3:01-CV-482-J-25 HTS)*

Deposition testimony and expert report: disgorgement of profits involving a design patent covering a coaxial cable connection.

▪ **Rockwell Automation Technologies, LLC v. Spectra-Physics Lasers, Inc. and Opto Power Corp.**

*United States District Court, District of Delaware (Case No. 00-589-GMS)*

Deposition testimony and expert report: reasonable royalty involving a patent covering a process for producing semiconductor epitaxial films.

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▪ **Tanashin Denk Co., Ltd. v. Thomson Consumer Electronics, Inc.**

*United States District Court, Southern Division of Indiana (Case No. IP 99-836-C Y/G)*

Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents covering cassette tape drives.

▪ **Medtronic Sofamor Danek, Inc. et al. v. Osteotech**

*United States District Court, Western Division of Tennessee (Case No. 99-2656-GV)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents covering the instruments and method of inserting a spinal inter-body fusion device.

▪ **Heimann Systems GmbH v. American Science and Engineering, Inc.**

*United States District Court, District of Connecticut (Case No. 00 CV 10276 (WGY))*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to mobile X-ray examining apparatus.

▪ **Omega Engineering, Inc. v. Cole-Parmer Instrument Co.; Davis Instrument Manufacturing Co., Inc.; Dwyer Instruments, Inc.; and Raytek Corp.**

*United States District Court, District of Connecticut (Case Nos. 3:98 CV 00733 (JCH); 3:98 CV 02052 (JCH); and 3:98 CV 02276 (JCH))*

Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents and alleged unfair competitive practices directed to portable infrared thermometers.

▪ **Particle Measuring Systems, Inc. v. Rion Co., Ltd.**

*United States District Court, District of Colorado (Case No. 99-WM-1433)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to a device and method for optically detecting particles in fluid.

▪ **The University of Colorado Foundation Inc., et al. v. American Cyanamid Co.**

*United States District Court, District of Colorado (Case No. 93-K-1657)*

Trial and deposition testimony and expert report: measure and amount of prejudgment interest in a patent infringement, fraud and unjust enrichment case covering prenatal vitamin formulations.

▪ **Gleason Works v. Oerlikon Geartec AG and Liebherr-America, Inc.**

*United States District Court, Western District of New York (Case No. 98-CV-6275 L)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to bevel gear-cutting machines.

▪ **Amersham Pharmacia v. PE Corp.**

*United States District Court, Northern District of California (Case No. C 97-04203-TEH)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to a method of using energy transfer reagents in a DNA sequencing system.

▪ **Ziarno v. The American Red Cross, et al.**

*United States District Court, Northern District of Illinois (Case No. 99 CIV 3430)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to online/internet fundraising.

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▪ **Applied Medical Resources Corp. v. Core Dynamics, Inc.**

*United States District Court, Central District of California (Case No. SACV 99-748-DOC (ANx))*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to surgical trocars.

▪ **Bell Communications Research, Inc. v. Fore Systems, Inc.**

*United States District Court, District of Delaware (Case No. 98-586 JJF)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest covering patents directed to telecommunications technology (ATM over SONET networks).

▪ **Newell Operating Co. (EZ Painter Co.) v. Linzer Products Corp.**

*United States District Court, Eastern District of Wisconsin (Case No. 98-C-0864)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest covering a patent directed to a method for manufacturing polypropylene paint roller covers.

▪ **Dow Chemical Co. v. Sumitomo Chemical Co., Ltd. and Sumitomo Chemical America, Inc.**

*United States District Court, Eastern District of Michigan (Case No. 96-10330-BC)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest covering a patent directed to a method for manufacturing cresol epoxy novalac resins used in integrated circuit encapsulation.

▪ **Insight Development Corp. v. Hewlett-Packard Co.**

*United States District Court, Northern District of California (Case No. C 98 3349 CW)*

Deposition testimony and expert report: damages and profits associated with alleged contract breaches, patent, copyright and trade secret misappropriation/infringement and unfair competition involving digital image processing and transmission, including that over the internet.

▪ **Bristol-Myers Squibb Co. v. Rhone-Poulenc Rorer Inc. and Centre National De La Recherche Scientifique**

*United States District Court, Southern District of New York (Case No. 95 Civ. 8833)*

Deposition testimony and expert report: reasonable royalty covering a patent directed to semi-synthetic processes for manufacturing an anti-cancer drug.

▪ **Pactiv Corp. v. S.C. Johnson & Son, Inc.**

*United States District Court, Northern District of Illinois (Case No. 98 C 2679)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to zipper closure mechanisms for home storage bags.

▪ **Dr. Harry Gaus v. Conair Corp.**

*United States District Court, Southern District of New York (Case No. 94-5693 (KTD) (FM))*

Trial and deposition testimony and expert report: reasonable royalty and prejudgment interest covering a patent directed to hazard prevention devices used with electrical hair dryers.

▪ **Neogen Corp. v. Vicam, L.P., et al.**

*United States District Court, Middle District of Florida (Case No. 97-405-CIV-T-23B)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest covering a patent and a variety of tort claims directed to aflatoxin testing equipment.

▪ **Surety v. Entrust**

*United States District Court, Eastern District of Virginia (Case No. 99-203-A)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest covering a patent directed to digital time stamping.

▪ **Sofamor Danek Holdings, Inc., et al. v. United States Surgical Corp., et al.**

*United States District Court, Western District of Tennessee (Case No. 98-2369 GA)*

Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent covering the method of inserting a spinal inter-body fusion device.

▪ **Molten Metal Equipment Innovation, Inc. v. Metaullics**

*United States District Court, Northern District of Ohio (1:97-CV2244)*

Trial testimony and expert report: lost profits, reasonable royalty, and prejudgment interest covering a patent directed to submersible molten metal pumps.

▪ **AcroMed Corp. v. Sofamor Danek Group, Inc.**

*United States District Court, Northern District of Ohio (Case No. 1:93-CV01184)*

Trial and deposition testimony and expert report: lost profits and prejudgment interest involving patents directed to spinal implant devices.

▪ **BIC Corp. v. Thai Merry Co., Ltd.**

*United States District Court, Central District of California (Case No. 98 CIV. 2113 (DLC))*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to disposable cigarette lighters.

▪ **Syncsort Inc. v. Michael Wagner; Cambridge Algorithm; ICF Kaiser Intl. Inc., et al.**

*United States District Court, Northern District of Georgia (Case No. 1:93-CV-2247-JEC)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to data sorting software.

▪ **Shell Oil Co. v. ICI Americas, Inc. and P.E.T Processors, LLC**

*United States District Court, Eastern District of Louisiana (Case No. 97-3526 Section "K")*

Deposition testimony and expert report: lost profits and reasonable royalty involving a patent directed to a process to manufacture solid stated polyethylene naphthalene.

▪ **Pall Corp. v. Hemasure Inc. and Lydall, Inc.**

*United States District Court, Eastern District of New York (Case No. CV-96-436 (TCP/ETB), Case No. 96-5620 (LDW/VVP))*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to prestorage leukodepletion devices.

▪ **Mentor H/S, Inc. v. Medical Device Alliance, Inc.; Lysonix, Inc.; and Misonix, Inc.**

*United States District Court, Central District of California (Case No. CV97-2431 WDK (BQRx))*

Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to ultrasonic liposuction.

▪ **Hyundai Electronics Industries Co., Ltd. v. NEC Corp. and NEC Electronics, Inc.**

*United States District Court, Eastern District of Virginia (Case No. 97-2030A, Case No. 97-2031A, Case No. 98-118-A)*

Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to semiconductor technology.

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- **Hitachi, LTD. v. Samsung Display Devices Co., LTD.; Samsung Display Devices, Inc.; Samsung Electronics Co., LTD.; Samsung Electronics America, Inc.; and Office Depot, Inc.**  
*United States District Court, Eastern District of Virginia (Case No. 97-1988-A)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving patents directed to various aspects of cathode ray tubes.
- **Stairmaster Sports/Medical Products, a Limited Partnership v. Groupe Procycle, Inc. and Procycle USA, Inc.**  
*United States District Court, District of Delaware (Case No. 97-396 MMS)*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to stair climbing fitness equipment.
- **Angelo Mongiello's Children, LLC v. Pizza Hut, Inc.**  
*United States District Court, Eastern District of New York (Case No. 95 CV 4601)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest involving a patent directed to a method for forming pizza shells.
- **BTG v. Magellan Corp.; BTG v. Trimble Navigation**  
*United States District Court, Eastern District of Pennsylvania (Case No. 96-CV-7551/Case No. 96-CV-5084 (HB))*  
Deposition testimony and expert reports: reasonable royalty, prejudgment interest, value of inventory on hand, preparation and investments made and business commenced (as of patent reissuance) involving a patent directed to secret or secure communications technology employed in global positioning system products.
- **Micro Chemical, Inc. v. Lextron, Inc.**  
*United States District Court, District of Colorado (Case No. 88-Z-499)*  
Trial and deposition testimony and expert report: lost profits, price erosion, reasonable royalty, and prejudgment interest involving a patent directed to feed additive weigh/mix dispensing machines.
- **Thai Merry Co., Ltd.; Honson Marketing Group, Inc.; and Calico Brands, Inc. v. BIC Corp.**  
*United States District Court, Central District of California (Case No. 96-5256 WJR (BQRx))*  
Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to child-resistant disposable cigarette lighters.
- **Radco, Inc. v. Shell Oil Co.; Foster Wheeler USA Corp.; Lyondell-Citgo Refining Co., LLC; Petro-Chem Development Co. Inc.; and Marathon Oil Co.**  
*United States District Court, Northern District of Oklahoma (Case No. 93-C 1102)*  
Deposition testimony and expert report: reasonable royalty involving a patent directed to coker heater refinery equipment.
- **Beloit Corp. v. Valmet Corp., et al.**  
*United States District Court, Western District of Wisconsin (Case No. 96-C-0087-C)*  
Trial testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to the dryer section of paper making machines.
- **Burke, Inc. v. Everest & Jennings, Inc. et al./Burke, Inc. v. Invacare Corp.**  
*United States District Court, California Central District (Case No. 89-2613 (KMW)/Case No. 90-787 (KMW))*  
Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest over a patent directed to three wheel motorized scooter technology.

▪ **Bauer Inc. v. Rollerblade, Inc.**

*United States District Court, Eastern District of Virginia (Case No. 96-952-A)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to a hybrid stitched and molded skate boot design.

▪ **Mettler - Toledo A.G. v. Denver Instrument Co., et al.**

*United States District Court, Eastern District of Virginia (Case No. 95-1055-A)*

Deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving patents directed to analytical and precision balances.

▪ **Bristol-Myers Squibb Co. v. Abbott Laboratories**

*United States District Court, Southern District of Indiana (Case No. EV 94-56-C)*

Trial and deposition testimony and expert report: reasonable royalty involving a patent directed to a guiding device used in enteral delivery set assemblies.

▪ **Crown Equipment Corp. v. The Raymond Corp.**

*United States District Court, Northern District of Ohio (Case No. 3:93CV7356)*

Trial and deposition testimony and expert report: lost profits, reasonable royalty, and prejudgment interest involving a patent directed to lift truck technology.

▪ **Mitsubishi Kasei Corp.; and Mitsubishi Kasei America, Inc. v. Virgle Hedgcoth; and Mertec Licensing Technology**

*United States District Court, Northern District of California (Case No. 94-1971 SAW (JSB))*

Deposition testimony and expert report: reasonable royalty involving a patent directed to sputtered rigid disks used in personal computers.

▪ **Travelers Express Co. Inc. v. The Standard Register Co.**

*United States District Court, District of Minnesota (Case No. 4-93-436)*

Deposition testimony and expert report: lost profits, reasonable royalty, patent misuse, and prejudgment interest involving patents directed to money order dispensers.

▪ **Dow Chemical Co. v. The United States**

*Court of Federal Claims (Case No. 19-83C)*

Trial and deposition testimony: measure and amount of delay compensation in an eminent domain case over the taking of a patent directed to the back - filling of abandoned coal mines.

**Patent Cases – Injunctive Relief**

▪ **In re: Lumify (Bausch & Lomb)**

*United States District Court, District of New Jersey (Civil Action No. 21-16766 (RK) (RLS) (CONSOLIDATED))*

Trial and deposition testimony and expert declaration: commercial success and preliminary injunctive relief covering patents directed to eye drops for the treatment of eye redness.

▪ **Sight Sciences, Inc. v. Ivantis, Inc., Alcon Research LLC, Alcon Vision LLC, and Alcon, Inc.**

*United States District Court, District of Delaware (Case No. 21-1317-VAC-SRF)*

Deposition testimony and expert reports: lost profits, reasonable royalty, prejudgment interest, and permanent injunction involving patents directed to devices used in minimally invasive glaucoma surgeries.

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▪ **Janssen Biotech, Inc. v. Amgen, Inc.**

*United States District Court, District of Delaware (Case No. 22-cv-01549-UNA)*

Deposition testimony and expert report: irreparable harm, balance of hardships, and public interest involving patents directed to the treatment of plaque psoriasis, psoriatic arthritis, Crohn's disease, and ulcerative colitis.

▪ **Biogen International GmbH and Biogen MA, Inc. v. Amneal Pharmaceuticals LLC**

*United States District Court, District of Delaware (Cases 17-cv-823-LPS (Consolidated); 17-cv-00875-UNA (Sawai USA, Inc. and Sawai Pharmaceutical Co., Ltd.); 17-cv-00847 (Shilpa Medicare Limited); 17-cv-00954-UNA and 19-cv-00333-UNA (Zydus Pharmaceuticals USA, Inc.); 17-cv-00824-UNA (Aurobindo Pharma USA, Inc. and Aurobindo Pharma USA LLC); 17-cv-00825-UNA and 19-cv-00211-UNA (Hetero USA, Inc., Hetero Labs Limited Unit-III, and Hetero Labs Limited); 17-cv-00845-UNA (MSN Laboratories Private Ltd. and MSN Pharmaceuticals, Inc.); and 17-cv-00827-UNA and 17-cv-00874-UNA (Prinston Pharmaceutical, Inc. and Sandoz, Inc.))*

Trial and deposition testimony and expert report: commercial success and injunctive relief covering patents directed to oral medication for the treatment of multiple sclerosis.

▪ **Biogen International GmbH and Biogen MA, Inc. v. Mylan Pharmaceuticals, Inc.**

*United States District Court, Northern District of West Virginia (Case No. 17-cv-00116-IMK)*

Deposition testimony and expert report: commercial success and injunctive relief covering patents directed to oral medication for the treatment of multiple sclerosis.

▪ **BASF Plant Science, LP v. Commonwealth Scientific and Industrial Research Organisation; and Commonwealth Scientific and Industrial Research Organisation, Grains Research and Development, Corp., and Nuseed Pty Ltd. v. BASF Plant Science, LP and Cargill, Inc.**

*United States District Court, Eastern District of Virginia (Case No. 17-cv-503-HCM)*

Trial and deposition testimony and expert report: reasonable royalty damages and injunctive relief covering patents directed to the production of plant-derived omega-3 oils.

▪ **Fresenius Kabi USA, LLC v. Fera Pharmaceuticals, LLC and Oakwood Laboratories, LLC**

*United States District Court, District of New Jersey (Case No. 15-03654-KM-MAH)*

Deposition testimony and expert declarations: antitrust liability and damages; commercial success and preliminary injunctive relief involving patents directed to injectable drug treatment of myxedema coma.

▪ **Dominion Resources, Inc., and Virginia Electric and Power Company v. Alstom Grid, Inc.**

*United States District Court, Eastern District of Pennsylvania*

Trial and deposition testimony and expert report: permanent injunction involving patents directed to a system and process that dynamically samples smart meters in order to achieve voltage optimization.

▪ **Integra Lifesciences Corporation, Integra Lifesciences Sales, LLC, Confluent Surgical, Inc., and Incept, LLC v. Hyperbranch Medical Technology, Inc.**

*United States District Court, District of Delaware (Case No. 15-cv-00819)*

Trial and deposition testimony and expert reports: lost profits, price erosion, reasonable royalty, prejudgment interest, preliminary relief, and commercial success involving patents directed to cranial and spinal dural repair sealants.

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- **Antares Pharma, Inc. v. Medac Pharma, Inc., Medac GmbH, Becton Dickinson France S.A.S., and Becton, Dickinson and Company**  
*United States District Court, District of Delaware (C.A. No. 14-270-SLR)*  
Deposition testimony and expert report: irreparable harm, balance of hardships, and public interest involving patents directed to methotrexate autoinjector products.
- **Delavau, LLC v. J.M. Huber Corporation and J.M. Huber Micropowders Inc.**  
*United States District Court, District of New Jersey (Case No. 12-05378 (ES)(SCM))*  
Deposition testimony and expert declaration: preliminary injunctive relief involving patents directed to dietary calcium supplements.
- **Dyson Technology Limited and Dyson, Inc. v. Cornucopia Products, LLC**  
*United States District Court, District of Arizona (Case No. 2:12-cv-00924-ROS)*  
Hearing testimony and expert declaration: irreparable harm involving patents directed to bladeless fans.
- **Novozymes A/S and Novozymes North America, Inc. v. Danisco A/S; Genecor International Wisconsin, Inc.; Danisco US Inc.; and Danisco USA Inc.**  
*United States District Court, Western District of Wisconsin (Case No. 10-CV-251)*  
Trial and deposition testimony and expert report and expert declaration: lost profits, reasonable royalty, prejudgment interest and irreparable harm involving a patent directed to alpha-amylases used for fuel ethanol.
- **LifeWatch Services, Inc. and Card Guard Scientific Survival, LTD. v. Medicomp, Inc. and United Therapeutics Corp.**  
*United States District Court, Middle District of Florida, Orlando Division (Case No. 6:09-cv-1909-Orl-31DAB)*  
Hearing and deposition testimony and expert declaration: preliminary injunctive relief involving patents directed to ambulatory arrhythmia monitoring solutions.
- **Verizon Services Corp. and Verizon Laboratories, Inc. v. Vonage Holdings Corp. and Vonage America, Inc.**  
*United States District Court, Eastern District of Virginia (Case No. 1:06CV682)*  
Trial and deposition testimony and expert report: permanent injunction, lost profits and reasonable royalty involving patents directed to Voice over Internet Protocol (VoIP) platforms.
- **Riverwood International Corp. v. MeadWestvaco Corp.**  
*United States District Court, Northern District of Georgia (Case No. 1:03-CV-1672 (TWT))*  
Deposition testimony and expert report: irreparable harm involving a patent directed to 2x6 beverage cartons.

### **Patent Cases – Secondary Considerations / Commercial Success**

- **Otsuka Pharmaceutical Co., Ltd. v. Teva Pharmaceuticals, Inc. and Teva Pharmaceuticals USA, Inc.**  
*United States District Court, District of Delaware (Case No. 22-cv-00513-RGA)*  
Deposition testimony and expert reports: commercial success covering patents directed to the treatment of autosomal dominant polycystic kidney disease.

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- **In re: Lumify (Bausch & Lomb)**  
*United States District Court, District of New Jersey (Civil Action No. 21-16766 (RK) (RLS) (CONSOLIDATED))*  
Trial and deposition testimony and expert declaration: commercial success and preliminary injunctive relief covering patents directed to eye drops for the treatment of eye redness.
- **Nippon Shinyaku Co., Ltd. v. Sarepta Therapeutics, Inc.; Sarepta Therapeutics, Inc. and The University of Western Australia v. Nippon Shinyaku Co., Ltd. and NS Pharma, Inc.**  
*United States District Court, District of Delaware (Case No. 21-1015-GBW)*  
Deposition testimony and expert reports: lost profits, reasonable royalty damages, and commercial success involving patents directed to the treatment of Duchenne Muscular Dystrophy (DMD).
- **Otsuka Pharmaceutical Co., Ltd. v. Lupin Limited and Lupin Pharmaceuticals, Inc.**  
*United States District Court, District of Delaware (Case No. 21-00900-RGA)*  
Trial and deposition testimony and expert report: commercial success covering patents directed to the treatment of autosomal dominant polycystic kidney disease.
- **Pfizer, Inc., Warner-Lambert Company LLC, PF PRISM C.V., Pfizer Manufacturing Holdings LLC, and PF PRISM IMB B.V. v. Synthon Pharmaceuticals, Inc., Synthon B.V., and Synthon International Holding B.V.**  
*United States District Court, District of Delaware (Case No. 21-1567 (CFC))*  
Deposition testimony and expert report: commercial success covering patents directed to the treatment of HR-positive, HER2-negative advanced or metastatic breast cancer.
- **Slayback Pharma LLC v. Eye Therapies LLC, Bausch & Lomb, Inc., and Bausch & Lomb Ireland Limited**  
*The United States Patent and Trademark Office (Case No. IPR2022-00142)*  
Deposition testimony and expert reports: commercial success covering patents directed to eye drops for the treatment of eye redness.
- **Otsuka Pharmaceutical Co., Ltd. Inc. and H. Lundbeck A/S v. Ajanta Pharma Ltd.; Alembic Pharmaceuticals Ltd.; Alembic Pharmaceuticals, Inc.; Alkem Laboratories Ltd.; Amneal Pharmaceuticals LLC; Amneal Pharmaceuticals Company GmbH; Raks Pharma Pvt. Ltd.; Apotex, Inc.; Apotex Corp.; Apotex Pharmachem, Inc.; Signa S.A. de C.V.; Aurobindo Pharma Ltd.; Aurobindo Pharma USA, Inc.; Hetero Labs Ltd.; Hetero Labs Ltd. Unit-V; Hetero USA, Inc.; Hetero Drugs Ltd.; Honour Lab Ltd.; Lupin Limited; Lupin Pharmaceuticals, Inc.; Macleods Pharmaceuticals Ltd.; Macleods Pharma USA, Inc.; MSN Laboratories Pvt. Ltd.; MSN Pharmaceuticals, Inc.; Optimus Pharma Pvt. Ltd.; Princeton Pharmaceutical, Inc.; Sandoz, Inc.; Teva Pharmaceuticals USA, Inc.; Zenara Pharma Private Ltd.; Biophore India Pharmaceuticals Private Ltd.; Zydus Pharmaceuticals (USA), Inc.; and Cadila Healthcare Ltd.**  
*United States District Court, District of Delaware (Case No. 19-1938-LPS)*  
Deposition testimony and expert reports: commercial success covering patents directed to the treatment of major depressive disorder and schizophrenia.

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- **Bial - Portela & CA S.A., Bial - Holding, S.A., and Sunovion Pharmaceuticals Inc. v. Alkem Laboratories Limited and S&B Pharma, Inc.; Bial - Portela & CA S.A., Bial - Holding, S.A., and Sunovion Pharmaceuticals Inc. v. Apotex Inc. and Apotex Corp.; Bial - Portela & CA S.A., Bial - Holding, S.A., and Sunovion Pharmaceuticals Inc. v. Jubilant Life Sciences Limited, Jubilant Pharma Limited, Jubilant Generics Limited, Jubilant Life Sciences (USA) Inc., Jubilant Cadista Pharmaceuticals Inc., and Jubilant Pharmova Limited**  
*United States District Court, District of Delaware (Case Nos. 20-786-CFC-CJB; 20-785-CFC-CJB; 20-783-CFC-CJB)*  
Trial and deposition testimony and expert report: commercial success involving patents directed to the treatment of partial-onset seizures.
- **Genzyme Corporation and The Regents of the University of Michigan v. Apotex, Inc., Apotex Corp., Dr. Reddy's Laboratories, Inc., Dr. Reddy's Laboratories, Ltd., and Aizant Drug Research Solutions Private Ltd.**  
*United States District Court, District of Delaware (Case No. 1:18-cv-01795 (CFC))*  
Deposition testimony and expert report: commercial success involving patents directed to the treatment of Gaucher disease.
- **Baxalta Incorporated, Baxalta US Inc., and Nektar Therapeutics v. Bayer Healthcare LLC**  
*United States District Court, District of Delaware (Case No. 17-1316-RGA)*  
Deposition testimony and expert report: commercial success involving patents directed to the treatment of hemophilia.
- **Biogen International GmbH and Biogen MA, Inc. v. Amneal Pharmaceuticals LLC**  
*United States District Court, District of Delaware (Cases 17-cv-823-LPS (Consolidated); 17-cv-00875-UNA (Sawai USA, Inc. and Sawai Pharmaceutical Co., Ltd.); 17-cv-00847 (Shilpa Medicare Limited); 17-cv-00954-UNA and 19-cv-00333-UNA (Zydus Pharmaceuticals USA, Inc.); 17-cv-00824-UNA (Aurobindo Pharma USA, Inc. and Aurobindo Pharma USA LLC); 17-cv-00825-UNA and 19-cv-00211-UNA (Hetero USA, Inc., Hetero Labs Limited Unit-III, and Hetero Labs Limited); 17-cv-00845-UNA (MSN Laboratories Private Ltd. and MSN Pharmaceuticals, Inc.); and 17-cv-00827-UNA and 17-cv-00874-UNA (Prinston Pharmaceutical, Inc. and Sandoz, Inc.))*  
Trial and deposition testimony and expert report: commercial success and injunctive relief covering patents directed to oral medication for the treatment of multiple sclerosis.
- **Biogen International GmbH and Biogen MA, Inc. v. Mylan Pharmaceuticals, Inc.**  
*United States District Court, Northern District of West Virginia (Case No. 17-cv-00116-IMK)*  
Deposition testimony and expert report: commercial success and injunctive relief covering patents directed to oral medication for the treatment of multiple sclerosis.
- **Mylan Pharmaceuticals, Inc. v. Biogen MA, Inc.**  
*The United States Patent and Trademark Office (Case No. IPR2018-01403)*  
Deposition testimony and expert report: commercial success covering patents directed to oral medication for the treatment of multiple sclerosis.
- **Teva Pharmaceuticals International GmbH, Cephalon, Inc., and Eagle Pharmaceuticals, Inc. v. Apotex, Inc., Apotex Corp., Fresenius Kabi USA, LLC, Mylan Laboratories Ltd., and Slayback Pharma Limited Liability Company**  
*United States District Court, District of Delaware (Case No. 17-cv-1154-CFC)*  
Trial and deposition testimony and expert report: commercial success covering patents directed to an injectable chemotherapy drug for the treatment of blood cancer.

- **Astellas Pharma, Inc., Astellas US LLC, Astellas Pharma US, Inc., Medivation LLC, Medivation Prostate Therapeutics LLC, Pfizer, Inc., and The Regents of the University of California v. Actavis Laboratories FL, Inc., Actavis LLC, Apotex, Inc., Apotex Corp., Zydus Pharmaceuticals (USA), Inc., Cadila Healthcare Limited, Roxane Laboratories, Inc., West-Ward Pharmaceuticals Corp., and West-Ward Pharmaceuticals International Limited**  
*United States District Court, District of Delaware (Case No. 16-cv-1120)*  
Deposition testimony and expert report: commercial success involving patents directed to the treatment of prostate cancer.
- **Valeant Pharmaceuticals International, Inc., Salix Pharmaceuticals, Inc., Progenics Pharmaceuticals, Inc., and Wyeth LLC v. Actavis Laboratories FL, Inc.**  
*United States District Court, District of New Jersey (Case No. 2:16-cv-09038 (SRC)(CLW))*  
Deposition testimony and expert report: commercial success covering patents directed to an oral treatment of opioid-induced constipation (OIC) indications.
- **Nichia Corporation v. Vizio, Inc.**  
*United States District Court, Central District of California (Case No. 8:16-cv-00545)*  
Deposition testimony and expert report: reasonable royalty damages and commercial success involving patents directed to light emitting diodes (LEDs).
- **Valeant Pharmaceuticals International, Inc., Salix Pharmaceuticals, Inc., Progenics Pharmaceuticals, Inc., and Wyeth LLC v. Mylan Pharmaceuticals, Inc., Mylan Laboratories Ltd., Mylan, Inc., and Actavis LLC**  
*United States District Court, District of New Jersey (Case No. 2:15-08180 (SRC)(CLW))*  
Deposition testimony and expert report: commercial success covering patents directed to an intravenous treatment of opioid induced constipation (OIC) indications.
- **Eli Lilly and Company v. Teva Pharmaceuticals USA, Inc.**  
*United States District Court, Southern District of Indiana, Indianapolis Division (Case No. 16-cv-596)*  
Deposition testimony and expert report: commercial success covering a patent directed to treatment of postmenopausal osteoporosis.
- **Integra Lifesciences Corporation, Integra Lifesciences Sales, LLC, Confluent Surgical, Inc., and Incept, LLC v. Hyperbranch Medical Technology, Inc.**  
*United States District Court, District of Delaware (Case No. 15-cv-00819)*  
Trial and deposition testimony and expert reports: lost profits, price erosion, reasonable royalty, prejudgment interest, preliminary relief, and commercial success involving patents directed to cranial and spinal dural repair sealants.
- **VIVUS, Inc. v. Actavis Laboratories FL, Inc.**  
*United States District Court, District of New Jersey (Case No. 14-cv-3786-SRC-CLW; 15-cv-1636-SRC-CLW; and 15-cv-02693-SRC-CLW)*  
Deposition testimony and expert reports: commercial success involving patents directed to an immediate release/extended release combination drug used for chronic weight management.
- **Fresenius Kabi USA, LLC v. Fera Pharmaceuticals, LLC and Oakwood Laboratories, LLC**  
*United States District Court, District of New Jersey (Case No. 15-03654-KM-MAH)*  
Deposition testimony and expert declarations: antitrust liability and damages; commercial success and preliminary injunctive relief involving patents directed to injectable drug treatment of myxedema coma.

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- **In the Matter of Certain Magnetic Data Storage Tapes and Cartridges Containing the Same (Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. (Respondents))**  
*United States International Trade Commission (Investigation No. 337-TA-1012)*  
Trial and deposition testimony and expert report: economic evaluation of FRAND, commercial success, bond, remedy, domestic industry, and public interest issues involving patents directed to certain magnetic data storage tapes and cartridges.
- **Noven Pharmaceuticals, Inc. v. Actavis Laboratories UT, Inc.**  
*United States District Court, District of Delaware (Case No. 15-249 (LPS))*  
Trial and deposition testimony and expert report: commercial success involving patents directed to an estrogen therapy patch.
- **Sebela International, Ltd. v. Actavis Laboratories FL, Inc., Actavis Pharma, Inc., Andrx Corp., and Actavis, Inc.; Sebela International Ltd. v. Prinston Pharmaceutical, Inc., Solco Healthcare U.S., LLC, and Huahai US, Inc.**  
*United States District Court, District of New Jersey (Case No. 14-cv-06414 (CCC-JBC) and 14-cv-07400 (CCC-JBC); consolidated with Case No. 15-cv-05308)*  
Trial and deposition testimony and expert report: commercial success involving patents directed to a non-hormonal product indicated for the treatment of moderate to severe vasomotor symptoms (VMS) associated with menopause.
- **Meda Pharmaceuticals, Inc. and Cipla, Ltd. v. Apotex, Inc. and Apotex Corp.**  
*United States District Court, District of Delaware (Case No. 14-1453-LPS)*  
Trial and deposition testimony and expert declaration: commercial success involving patents directed to a combination formulation drug used to treat seasonal allergic rhinitis.
- **Arctic Cat, Inc., v. Polaris Industries, Inc.**  
*The United States Patent and Trademark Office (Cases IPR2015-01781; IPR2015-01783)*  
Deposition testimony and expert declaration: commercial success involving patents directed to side-by-side all-terrain vehicles.
- **Innopharma Inc., Mylan Pharmaceuticals, Inc., et al. v. Senju Pharmaceutical Co., Ltd., Bausch & Lomb, Inc., and Bausch & Lomb Pharma Holdings Corp.**  
*The United States Patent and Trademark Office (Case Nos. IPR2015-00902 and IPR2015-00903)*  
Deposition testimony and expert declaration: commercial success involving patents directed to nonsteroidal anti-inflammatory drugs (NSAIDs) used to treat post-cataract surgery inflammation and pain.
- **Lupin Ltd. and Lupin Pharmaceuticals, Inc. v. Senju Pharmaceutical Co., Ltd.**  
*The United States Patent and Trademark Office (Case Nos. IPR2015-01097; IPR2015-01105; IPR2015-01099; and IPR2015-01100)*  
Deposition testimony and expert declaration: commercial success involving patents directed to nonsteroidal anti-inflammatory drugs (NSAIDs) used to treat post-cataract surgery inflammation and pain.

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▪ **Senju Pharmaceutical Co., Ltd., Bausch & Lomb, Inc., and Bausch & Lomb Pharma Holdings Corp. v. Innopharma Inc., Lupin Pharmaceuticals, Inc., et al.**

*United States District Court, District of New Jersey (Case Nos. 14-cv-00667-JBS-KMW; 14-cv-04149-JBS-KMW; 14-cv-05144-JBS-KMW; 15-cv-00335-JBS-KMW; 14-cv-06893-JBS-KMW; and 15-cv-03240-JBS-KMW)*

Deposition testimony and expert declaration: commercial success involving patents directed to nonsteroidal anti-inflammatory drugs (NSAIDs) used to treat post-cataract surgery inflammation and pain.

▪ **Arctic Cat, Inc., v. Polaris Industries, Inc.**

*The United States Patent and Trademark Office (Case IPR2014-01427)*

Deposition testimony and expert declaration: commercial success involving patents directed to side-by-side all-terrain vehicles.

▪ **Intendis GmbH, Intraserv GmbH & Co. KG and Bayer Healthcare Pharmaceuticals Inc. v. Glenmark Generics Ltd. and Glenmark Generics Inc., USA.**

*United States District Court, District of Delaware (Case No. 13-cv-421-SLR)*

Trial and deposition testimony and expert report: commercial success involving a patent directed to the treatment of certain skin diseases.

▪ **Everlight Electronics Co. Ltd., and Emcore Corporation v. Nichia Corporation and Nichia America Corporation v. Everlight Americas, Inc.**

*United States District Court, Eastern District of Michigan, Southern Division (Case No. 4:12-cv-11758 GAD-MKM)*

Trial and deposition testimony, expert report and declaration: commercial success, lost profits, reasonable royalty, and prejudgment interest involving patents directed to LEDs.

▪ **Bayer Healthcare Pharmaceuticals, Inc. and Dow Pharmaceutical Sciences, Inc. v. River's Edge Pharmaceuticals, LLC, Teresina Holdings, LLC, Medical Products Laboratories, Inc. and Stayma Consulting Services, LLC**

*United States District Court, Northern District of Georgia, Atlanta Division (Case No. 11-cv-01634-RLV)*

Deposition testimony and expert report: commercial success involving a patent directed to the treatment of certain skin diseases.

▪ **JDS Therapeutics, LLC and Nutrition 21, LLC v. Pfizer Inc., Wyeth LLC, Wyeth Consumer Healthcare Ltd., and Wyeth Consumer Healthcare LLC**

*United States District Court, Southern District of New York (Case No. 1:12-cv-09002-JSR)*

Deposition testimony and expert report: commercial success, reasonable royalty, and unjust enrichment involving patents and trade secrets directed to the use of chromium picolinate in multi-vitamins.

▪ **Ferring, B.V. v. Watson Laboratories, Inc. – Florida, Apotex Inc., and Apotex Corp.**

*United States District Court, District of Nevada (Case Nos. 3:11-cv-00481-RCJ-VPC, 3:11-cv-00485-RCJ-VPC, 3:11-cv-00853-RCJ-VPC, 3:11-cv-00854-RCJ-VPC, 2:12-cv-01935-RCJ-VPC, and 2:12-cv-01941-RCJ-VPC)*

Deposition testimony and expert report: commercial success involving patents directed to the treatment of menorrhagia.

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- **Medicis Pharmaceutical Corporation; Dow Pharmaceutical Sciences, Inc.; and Alyzan, Inc. v. Actavis Mid Atlantic LLC**  
*United States District Court, District of Delaware (Case No. 11-CV-409)*  
Deposition testimony and expert report: commercial success involving a patent directed to delivery vehicles for treatment of dermatological disorders.
- **Galderma Laboratories, L.P.; Galderma S.A.; and Galderma Research & Development, S.N.C. v. Tolmar Inc.; and Actavia Mid Atlantic LLC**  
*United States District Court, District of Delaware (Case No. 10-cv-45 (LPS))*  
Trial and deposition testimony and expert report: commercial success involving a patent directed to treatment of dermatological disorders.
- **Pronova Biopharma Norge AS v. Teva Pharmaceuticals USA, Inc.; Apotex Corp. and Apotex Inc.; Par Pharmaceutical, Inc.; and Par Pharmaceutical Companies, Inc.**  
*United States District Court, District of Delaware (Case Nos. 09-286-SLR/09-304-SLR/09-305-SLR-MPT)*  
Trial and deposition testimony and expert report: commercial success covering patents directed to treatment of HDL cholesterol and hypertriglyceridemia.
- **Eli Lilly and Company v. Wockhardt Limited and Wockhardt USA, Inc.**  
*United States District Court, District of Indiana, Indianapolis Division (Case No. 1:08-cv-1547-WTL-TAB)*  
Deposition testimony and expert report: commercial success covering a patent directed to treatment of depression, anxiety and pain.
- **Acorda Therapeutics, Inc. v. Apotex Inc. and Apotex Corp.**  
*United States District Court, District of New Jersey (Case No. 2:07-cv-04937-JAG-MCA)*  
Trial and deposition testimony and expert report: commercial success covering a patent directed to treatment of spasticity.
- **Medeva Pharma Suisse A.G. and Procter & Gamble Pharmaceuticals, Inc. v. Roxane Laboratories, Inc.**  
*United States District Court, District of New Jersey (Case No. 3:07-CV-05165-FLW-TJB)*  
Deposition testimony and expert report: commercial success involving a patent directed to treatment of ulcerative colitis.
- **Otsuka Pharmaceutical Co, Ltd., et al. v. Sandoz, Inc., et al.**  
*United States District Court, District of New Jersey (Case No. 07-cv-01000)*  
Trial and deposition testimony and expert report: commercial success covering a patent directed to the active ingredient of an atypical antipsychotic drug.
- **Janssen-Ortho Inc. and Daiichi Pharmaceutical Co., Ltd. v. Novopharm Ltd.**  
*Federal Court of Canada (Case No. T-2175-04)*  
Trial testimony (written) and affidavit: commercial success covering a patent directed to the active ingredient of an anti-infective drug.
- **Janssen-Ortho Inc. and Daiichi Pharmaceutical Co., Ltd. v. The Minister of Health; and Apotex Inc.**  
*Federal Court of Canada (Case No. T-1508-05)*  
Deposition testimony and expert report: commercial success interest involving a patent directed to an anti-infective drug.

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- **Ortho-McNeil Pharmaceutical, Inc., et al. v. Mylan Laboratories**

*United States District Court, Northern District of West Virginia (Case No. 1:02CV32)*

Trial and deposition testimony and expert report: commercial success covering a patent directed to the active ingredient of an anti-infective drug.

- **Elan Corp., PLC v. Andrx Pharmaceuticals, Inc.**

*United States District Court, Southern District of Florida (Case No. 98-7164)*

Trial and deposition testimony and expert report: commercial success covering a patent directed to controlled release dosing of a nonsteroid anti-inflammatory drug.

### **Patent Cases – Other**

- **MPEG LA, LLC v. Toshiba American Information Systems, Inc.**

*Supreme Court of the State of New York, County of New York (Index No. 162716/2015)*

Deposition testimony and expert report: contract transfer and patent misuse involving patents directed to digital television standards.

- **Fresenius Kabi USA, LLC v. Fera Pharmaceuticals, LLC and Oakwood Laboratories, LLC**

*United States District Court, District of New Jersey (Case No. 15-03654-KM-MAH)*

Deposition testimony and expert declarations: antitrust liability and damages; commercial success and preliminary injunctive relief involving patents directed to injectable drug treatment of myxedema coma.

- **Travelers Express Co. Inc. v. The Standard Register Co.**

*United States District Court, District of Minnesota (Case No. 4-93-436)*

Deposition testimony and expert report: lost profits, reasonable royalty, patent misuse and prejudgment interest involving patents directed to money order dispensers.

### **Trade Secret Cases**

- **Gerald Hayden v. International Business Machines Corporation, Pablo Suarez, and Shanker Ramamurthy**

*United States District Court, Southern District of New York (Civil Action No. 7:21-CV-02485-VB)*

Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets and breach of contract in case involving middleware used in hybrid cloud computing applications.

- **Danieli Corporation and Danieli & C. Officine Meccaniche S.P.A. v. SMS Group, Inc., SMS Group GmbH, and Steel Dynamics, Inc.**

*United States District Court, Western District of Pennsylvania (Case No. 21-cv-1716)*

Deposition testimony and expert reports: irreparable harm associated with alleged misappropriation of trade secrets and confidential information in case involving steel casting machines.

- **Unisys Corporation v. Leon Gilbert, Michael McGarvey, Atos SE, and Atos IT Solutions and Services, Inc.**

*United States District Court, Eastern District of Pennsylvania (Case No. 2:23-cv-00555-PD)*

Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and tortious interference in case involving various digital workplace technologies.

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- **J.S.T. Corporation v. Robert Bosch LLC, f/k/a Robert Bosch Corporation, Robert Bosch GmbH, and Bosch Automotive Products (Suzhou) Co., Ltd.**  
*United States District Court, Eastern District of Michigan, Southern Division (Case No. 2:15-cv-13842-AC-EAS)*  
Deposition testimony and expert reports: lost profits, unjust enrichment, disgorgement of profits, reasonable royalty, and prejudgment interest associated with alleged misappropriation of trade secrets and breach of contract in case involving automotive electrical connectors.
- **Modoral Brands, Inc. v. Swedish Match North America LLC, Pinkerton Tobacco Co., LP, NYZ AB, and Helix Innovations GmbH**  
*United States District Court, Central District of California (Case No. 2:21-cv-05013-SB-MRWx)*  
Deposition testimony and expert report: unjust enrichment associated with alleged misappropriation of trade secrets involving nicotine pouches.
- **Swedish Match North America LLC, Pinkerton Tobacco Co., LP, and NYZ AB v. Kretek International, Inc. and Dryft Sciences LLC**  
*United States District Court, Central District of California (Case No. 2:20-cv-08729-SB-MRWx)*  
Deposition testimony and expert report: unjust enrichment associated with alleged misappropriation of trade secrets involving nicotine pouches.
- **Life Spine, Inc. v. Aegis Spine, Inc.**  
*United States District Court, Northern District of Illinois, Eastern Division (Case No. 19-cv-7092)*  
Deposition testimony and expert report: damages associated with lost profits, improper gains, withheld inventory, and prejudgment interest associated with alleged breaches of contract, breach of fiduciary duty, fraudulent inducement, and misappropriation of trade secrets in case involving implant devices used for the treatment of degenerative disc disease.
- **Colony Grill Development, LLC and Fairfield Colony, LLC v. Colony Grill, Inc. and Colony Grill of Stamford, LLC v. Paul Coniglio, Kenneth M. Martin, Cody L. Lee, and Christopher Drury**  
*United States District Court, District of Connecticut (Case No. 3:20-cv-00213)*  
Deposition testimony and expert report: damages and disgorgement of profits associated with alleged breach of contract, trademark infringement, unfair competition and unfair trade practices, theft of trade secrets, and breach of good faith and fair dealing in case involving pizza restaurants.
- **CODA Development s.r.o., CODA Innovations s.r.o., and Frantisek Hrabal v. The Goodyear Tire & Rubber Company, Robert Benedict, and Robert Losey**  
*United States District Court, Northern District of Ohio, Eastern Division (Case No. 5:15-cv-01572-SL)*  
Trial and deposition testimony and expert report: damages and profits associated with alleged misappropriation of trade secrets involving self-inflating tires.
- **FMC Corporation v. Syngenta Crop Protection, AG; Syngenta Crop Protection, AG v. FMC Corporation**  
*American Arbitration Association (Case Nos. 01-19-0002-4192 and 01-19-0002-4208)*  
Arbitration hearing and deposition testimony and expert report: injunctive relief and damages related to alleged misappropriation of trade secrets and breach of contract involving crop herbicides.

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- **JELD-WEN, Inc. v. John Ambruz and Global Strategic Partners LLC**  
*American Arbitration Association (Case No. 01-17-0007-0838)*  
Hearing and deposition testimony and expert report: damages and reasonable royalty associated with alleged misappropriation of trade secrets and breach of contract involving the production of molded door skins.
- **NCR Corporation v. Pendum LLC and Burroughs, Inc.**  
*United States District Court, Northern District of Georgia (Case No. 16-cv-04114-SCJ)*  
Deposition testimony and expert report: damages associated with lost profits, price erosion, unjust enrichment, and economic effects and harm associated with alleged misappropriation of trade secrets, copyright infringement, trademark infringement, breach of contract, and tortious interference with current and prospective business relations in case involving the servicing of automatic teller machines (ATMs).
- **Cedars-Sinai Medical Center v. Quest Diagnostics Inc. and Quest Diagnostics Nichols Institute**  
*United States District Court, Central District of California, Western Division (Case No. 17-cv-5169-GW-FFM)*  
Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and patent infringement involving diagnostic testing for irritable bowel syndrome (IBS).
- **Steves and Sons, Inc. v. JELD-WEN, Inc.**  
*United States District Court, Eastern District of Virginia, Richmond Division (Case No. 16-cv-00545-REP)*  
Trial and deposition testimony and expert report: damages, profits, and reasonable royalty associated with alleged misappropriation of trade secrets and tortious interference with employment contracts and severance agreements involving the production of molded door skins.
- **Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd, Central Garden and Pet Co., et al.; Shenzhen Liown Electronics Co., Ltd, Central Garden and Pet Co. v. Luminara Worldwide, LLC, et al. ; and Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd and Central Garden and Pet Co., et al.**  
*United States District Court, District of Minnesota (Case Nos. 14-cv-03103 (SRN/FLN) and 15-cv-03028 (SRN/FLN))*  
Deposition testimony and expert reports: damages associated with alleged patent infringement and breach of contract, and unjust enrichment associated with breach of non-disclosure agreement and use of trade secrets, related to flameless candle technology and distribution.
- **Red Online Marketing Group LP, d/b/a 50onRED v. Revizer Ltd., d/b/a Ad Force Technologies, Ltd., and Revizer Technologies, Ltd.**  
*United States District Court, Eastern District of Pennsylvania (Case No. 14-1353)*  
Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and unfair competition (Lanham Act violations) involving internet monetization products.
- **Thomas C. Sisoian v. International Business Machines Corporation (IBM)**  
*United States District Court, Western District of Texas, Austin Division (Case No. A-14-CA-565-SS)*  
Deposition testimony and expert report: unjust revenues and profits involving misappropriation of trade secrets over developing, implementing, and integrating complex telecommunication information systems.

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- **In the Matter of Certain Sulfentrazone, Sulfentrazone Compositions, and Processes for Making Sulfentrazone (FMC (Complainant))**  
*United States International Trade Commission (Investigation No. 337-TA-914)*  
Trial and deposition testimony and expert report: irreparable harm, balance of hardships, and public interest involving a patent directed to a crop herbicide.
- **In the Matter of Certain Opaque Polymers (Organik Kimya (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-883)*  
Deposition testimony and expert report: injury, independent economic valuation, and bond involving trade secrets used in the production of opaque polymers.
- **MacDermid, Inc. v. Cookson Group, plc, Cookson Electronics, Enthone, Inc., and David North**  
*United States Superior Court, Judicial District of Waterbury (Case No. x10-cv-09-5014518-d)*  
Deposition testimony and expert report: royalty and prejudgment interest involving the misappropriation of trade secrets directed to chemicals, materials, and technical services used in a possible corporate acquisition.
- **JDS Therapeutics, LLC and Nutrition 21, LLC v. Pfizer Inc., Wyeth LLC, Wyeth Consumer Healthcare Ltd., and Wyeth Consumer Healthcare LLC**  
*United States District Court, Southern District of New York (Case No. 1:12-cv-09002-JSR)*  
Deposition testimony and expert report: commercial success, reasonable royalty, and unjust enrichment involving patents and trade secrets directed to the use of chromium picolinate in multi-vitamins.
- **E. I. du Pont de Nemours and Company v. Kolon Industries, Inc. and Kolon USA, Inc.**  
*United States District Court, Eastern District of Virginia, Richmond Division (Case No. 3:09CV58)*  
Trial and deposition testimony and expert report: unjust enrichment involving misappropriation of trade secrets directed to aramid fiber production.
- **CA, Inc.; Computer Associates Think, Inc.; Platinum Technology International, Inc.; and Platinum Technology IP, Inc. v. Rocket Software, Inc.**  
*United States District Court, Eastern District of New York (Case No. 07-CV-1476 (ADS)(MLO)*  
Deposition testimony and expert report: lost profits, unjust enrichment, price erosion and prejudgment interest involving copyrights and trade secrets related to DB2 software tools.
- **Sensormatic Electronics Corp. v. The TAG Co. US LLC; Phenix Label Co.; Dennis Gadonneix**  
*United States District Court, Southern District of Florida (Case No. 06-81105-Civ-Hurley/Hopkins)*  
Trial and deposition testimony and expert report: unjust enrichment involving misappropriation of trade secrets directed to loss prevention systems.
- **Cogent Systems, Inc. v. Northrop Grumman Corp.**  
*California Superior Court, County of Los Angeles, Central District (Case No. BC332199)*  
Deposition testimony and expert report: reasonable royalty involving misappropriation of trade secrets directed to fingerprint identification technology.
- **Geomatrix, LLC and David A. Potts v. Infiltration Systems, Inc.**  
*Connecticut Superior Court, District of Middlesex at Middleton (Case No. MMX-CV-05-4004477 S)*  
Deposition testimony and expert disclosure: reasonable royalty involving misappropriation of trade secrets directed to leach field and septic tank technology.

- **McMahon Marketing v. Toyota Motor Sales**  
*California Superior Court, County of Los Angeles (Case No. BC317277)*  
Deposition testimony: damages and profits associated with trade secrets directed to a luxury hotel and automotive partnership.
- **Christopher Karol and Karol Designs, LLC v. Burton Corp.**  
*United States District Court, District of Vermont (Case No. 1:01-CV-178)*  
Deposition testimony and expert report: reasonable royalty and disgorgement of profits involving trade secrets and an NDA directed to snowboard boot and binding technology.
- **Takata Corp. v. AlliedSignal, Inc. and Breed Technologies, Inc.**  
*United States District Court, District of Delaware (Case No. 98-94-MMS)*  
Deposition testimony and expert report: reasonable royalty and prejudgment interest covering patents and trade secrets directed to seatbelt retractors.
- **Trimless-Flashless Design, Inc. v. Augat, Inc.; Thomas & Betts Corp.; and Tyco International, Ltd.**  
*United States District Court, Eastern District of Virginia (Case No. CA00-245-A)*  
Trial and deposition testimony and expert report: damages and profits associated with alleged breach of contract and misappropriation of trade secrets involving metallized particle interconnects used to connect microprocessors with mother boards.
- **Insight Development Corp. v. Hewlett-Packard Co.**  
*United States District Court, Northern District of California (Case No. C 98 3349 CW)*  
Deposition testimony and expert report: damages and profits associated with alleged contract breaches, patent, copyright and trade secret misappropriation/infringement and unfair competition involving digital image processing and transmission, including that over the internet.
- **DSC Communications Corp. v. DGI Technologies, Inc.**  
*United States District Court, Northern District of Texas (Case No. 3:94-CV-1047)*  
Trial testimony and expert report: reasonable royalty involving copyrights, trade secrets and unfair competition over telecommunications switching equipment.
- **Wayne State University; Lumigen Inc.; and A. Paul Schapp v. Irena Bronstein and Tropix Inc.**  
*State of Michigan Circuit Court, County of Wayne and Court of Claims (Case No. 88-804-627 CK/Case No. 88-11871CM)*  
Deposition testimony and expert report: unjust enrichment and lost profits involving trade secrets directed to chemiluminescence (medical detection) technology.

## **Trademark Cases**

- **Colony Grill Development, LLC and Fairfield Colony, LLC v. Colony Grill, Inc. and Colony Grill of Stamford, LLC v. Paul Coniglio, Kenneth M. Martin, Cody L. Lee, and Christopher Drury**  
*United States District Court, District of Connecticut (Case No. 3:20-cv-00213)*  
Deposition testimony and expert report: damages and disgorgement of profits associated with alleged breach of contract, trademark infringement, unfair competition and unfair trade practices, theft of trade secrets, and breach of good faith and fair dealing in case involving pizza restaurants.

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- **Constellation Brands U.S. Operations, Inc. v. The Vineyard House LLC**  
*United States District Court, Northern District of California - Oakland (Case No. 3:20-cv-00238)*  
Trial testimony and expert report: disgorgement of profits associated with alleged trademark infringement, false association, designation of origin, and advertising, and violations of the Lanham Act and other similar state statutes, involving alleged mislabeling of wine.
- **NCR Corporation v. Pendum LLC and Burroughs, Inc.**  
*United States District Court, Northern District of Georgia (Case No. 16-cv-04114-SCJ)*  
Deposition testimony and expert report: damages associated with lost profits, price erosion, unjust enrichment, and economic effects and harm associated with alleged misappropriation of trade secrets, copyright infringement, trademark infringement, breach of contract, and tortious interference with current and prospective business relations in case involving the servicing of automatic teller machines (ATMs).
- **Katherine Dines v. Toys “R” Us-Delaware, Inc.**  
*United States District Court, District of Colorado (Case No. 12-cv-2279-PAB-KMT)*  
Deposition testimony and expert report: profits and prejudgment interest associated with trademark infringement involving a line of stuffed animal toys.
- **The Coryn Group II, LLC v. O.C. Seacrets, Inc.**  
*United States District Court, District of Maryland, Northern Division (Case No. 08-cv-02764-WDQ)*  
Trial testimony and expert report: profits and damages involving the use of “Secrets” trademark in the leisure resort business.
- **YSL Beauté v. Oscar de la Renta, Ltd.**  
*American Arbitration Association (Case No. 13 133 01389 08)*  
Arbitration hearing testimony and expert report: damages associated with alleged breach of contract and trademark infringement involving cosmetics, fragrances and beauty products.
- **Fishman Transducers, Inc. v. Stephen Paul d/b/a “Esteban” Daystar Productions and HSN Interactive LLC**  
*United States District Court, District of Massachusetts (Case No. 07-CA-10071 RCL)*  
Trial and deposition testimony and expert report: damages and profits associated with a trademark directed to guitar transducers.
- **ISP.NET, LLC d/b/a IQuest Internet v. Qwest Communications International, Inc.**  
*United States District Court, Southern District of Indiana, Indianapolis Division (Case No. IP01-0480 C B/S)*  
Deposition testimony and expert report: reasonable royalty, disgorgement of profits and prejudgment interest involving a trademark directed to internet service provision.
- **Fuel Clothing Co., Inc. v. Safari Shirt Co. d/b/a Fuel Clothing Co., Inc.**  
*United States District Court, Western District of Washington at Tacoma (Case No. CO5 5366 KJB)*  
Deposition testimony and expert report: economic harm involving a trademark directed to sports apparel logos.
- **Alpha International, Inc. v. General Foam Plastics Corp.**  
*United States District Court, Eastern District of North Carolina (Case No. 4:01-CV-142-H(3))*  
Deposition testimony and expert report: copyright infringement, trademark infringement, conversion and unjust enrichment involving bowling pin sets and ride-on toys.

▪ **Fuel TV, Inc. v. Fuel Clothing Co., Inc.**

*United States District Court, Central District of California, Western Division (Case No. CV03-8248-ABC-VBKx)*

Deposition testimony and expert report: economic harm involving infringement of trademark used in extreme sports applications.

▪ **AutoNation, Inc. v. Acme Commercial Corp., et al. (CarMax)**

*United States District Court, Southern District of Florida (Case No. 96-6141)*

Trial and deposition testimony and expert report: reasonable royalty associated with trademark infringement and unfair competition in the auto superstore business.

**Copyright Cases**

▪ **ICC Evaluation Service, LLC and International Code Council, Inc. v. International Association of Plumbing and Mechanical Officials, Inc. and IAPMO Evaluation Service, LLC**

*United States District Court, District of Columbia (Case No. 1:16-cv-54-EGS-DAR)*

Deposition testimony and expert report: lost profits, unjust enrichment, fair use, and irreparable harm associated with alleged copyright infringement involving compliance and evaluation reports for building products and systems.

▪ **NCR Corporation v. Pendulum LLC and Burroughs, Inc.**

*United States District Court, Northern District of Georgia (Case No. 16-cv-04114-SCJ)*

Deposition testimony and expert report: damages associated with lost profits, price erosion, unjust enrichment, and economic effects and harm associated with alleged misappropriation of trade secrets, copyright infringement, trademark infringement, breach of contract, and tortious interference with current and prospective business relations in case involving the servicing of automatic teller machines (ATMs).

▪ **Syngenta Crop Protection, LLC v. Willowood, LLC, Willowood USA, LLC, Willowood Azoxystrobin, LLC, and Willowood Limited**

*United States District Court, Middle District of North Carolina (Case No. 1:15-cv-274)*

Trial and deposition testimony and expert report: damages and prejudgment interest related to alleged patent and copyright infringement involving crop fungicide.

▪ **American Society for Testing and Materials d/b/a ASTM International; National Fire Protection Association, Inc.; and American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc. v. Public.Resource.org, Inc.**

*United States District Court, District of Columbia (Case No. 13-cv-01215-TSC)*

Deposition testimony and expert report: harm and public interest involving copyrights and trademarks covering standards incorporated by reference into law.

▪ **Complex Systems, Inc. v. ABN AMRO Bank N.V.**

*United States District Court, Southern District of New York (Case No. 08-cv-7497)*

Deposition testimony and expert report: revenues and profits involving copyrighted trade finance software.

▪ **Shepard Fairey and Obey Giant Art, Inc. v. The Associated Press v. Shepard Fairey; Obey Giant Art, Inc.; Obey Giant LLC; Studio Number One, Inc.; and One 3 Two, Inc.**

*United States District Court, Southern District of New York (Case No. 09-01123(AKH))*

Deposition testimony and expert report: fair use, damages and profits involving copyrighted photograph of President Obama.

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- **CA, Inc.; Computer Associates Think, Inc.; Platinum Technology International, Inc.; and Platinum Technology IP, Inc. v. Rocket Software, Inc.**  
*United States District Court, Eastern District of New York (Case No. 07-CV-1476 (ADS)(MLO)*  
Deposition testimony and expert report: lost profits, unjust enrichment, price erosion and pre-judgment interest involving copyrights and trade secrets related to DB2 software tools.
- **Alpha International, Inc. v. General Foam Plastics Corp.**  
*United States District Court, Eastern District of North Carolina (Case No. 4:01-CV-142-H(3))*  
Deposition testimony and expert report: copyright infringement, trademark infringement, conversion and unjust enrichment involving bowling pin sets and ride-on toys.
- **Insight Development Corp. v. Hewlett-Packard Co.**  
*United States District Court, Northern District of California (Case No. C 98 3349 CW)*  
Deposition testimony and expert report: damages and profits associated with alleged contract breaches, patent, copyright and trade secret misappropriation/infringement and unfair competition involving digital image processing and transmission, including that over the internet.
- **First National Bank of Omaha v. Three Dimensions Systems Products, Inc.**  
*United States District Court, District of Nebraska (Case No. 8:98CV569)*  
Trial and deposition testimony and expert report: damages and profits associated with an alleged contract breach and copyright infringement involving financial services software.
- **Leslie Atkins v. Benson J. Fischer, et al.**  
*United States District Court, District of Columbia (Case No. 1:98CV00800)*  
Deposition testimony and expert report: damages and profits associated with copyright infringement covering beer label and packaging designs.
- **Wrench LLC v. Taco Bell Corp.**  
*United States District Court, Southern District of Michigan (Case No. 1:98-CV-45)*  
Trial and deposition testimony and expert report: unjust enrichment and actual damages involving chihuahua promotional campaign.
- **DSC Communications Corp. v. DGI Technologies, Inc.**  
*United States District Court, Northern District of Texas (Case No. 3:94-CV-1047)*  
Trial testimony and expert report: reasonable royalty involving copyrights, trade secrets and unfair competition over telecommunications switching equipment.

### **Breach of Contract Cases**

- **EarthLink LLC v. Charter Communications Operating LLC**  
*Supreme Court of the State of New York, County of New York (Index No. 654332/2020)*  
Deposition testimony and expert reports: lost revenues, lost profits, and pre-judgment interest associated with alleged false information campaign and breach of contract in case involving high speed internet service.
- **Gerald Hayden v. International Business Machines Corporation, Pablo Suarez, and Shanker Ramamurthy**  
*United States District Court, Southern District of New York (Civil Action No. 7:21-CV-02485-VB)*  
Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets and breach of contract in case involving middleware used in hybrid cloud computing applications.

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- **Unisys Corporation v. Leon Gilbert, Michael McGarvey, Atos SE, and Atos IT Solutions and Services, Inc.**

*United States District Court, Eastern District of Pennsylvania (Case No. 2:23-cv-00555-PD)*

Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and tortious interference in case involving various digital workplace technologies.

- **J.S.T. Corporation v. Robert Bosch LLC, f/k/a Robert Bosch Corporation, Robert Bosch GmbH, and Bosch Automotive Products (Suzhou) Co., Ltd.**

*United States District Court, Eastern District of Michigan, Southern Division (Case No. 2:15-cv-13842-AC-EAS)*

Deposition testimony and expert reports: lost profits, unjust enrichment, disgorgement of profits, reasonable royalty, and prejudgment interest associated with alleged misappropriation of trade secrets and breach of contract in case involving automotive electrical connectors.

- **Life Spine, Inc. v. Aegis Spine, Inc.**

*United States District Court, Northern District of Illinois, Eastern Division (Case No. 19-cv-7092)*

Deposition testimony and expert report: damages associated with lost profits, improper gains, withheld inventory, and prejudgment interest associated with alleged breaches of contract, breach of fiduciary duty, fraudulent inducement, and misappropriation of trade secrets in case involving implant devices used for the treatment of degenerative disc disease.

- **FMC Corporation v. Syngenta Crop Protection, AG; Syngenta Crop Protection, AG v. FMC Corporation**

*American Arbitration Association (Case Nos. 01-19-0002-4192 and 01-19-0002-4208)*

Arbitration hearing and expert report: valuation and license terms for co-development project covering crop herbicides.

- **LG Display Co. v. Sharp Corporation**

*Singapore International Arbitration Centre (SIAC Arbitration No. 435/19/JTA)*

Trial testimony and expert reports: damages associated with the alleged breach of contract involving licenses and releases related to liquid-crystal display (LCD) and organic light-emitting diode (OLED) display technologies.

- **Colony Grill Development, LLC and Fairfield Colony, LLC v. Colony Grill, Inc. and Colony Grill of Stamford, LLC v. Paul Coniglio, Kenneth M. Martin, Cody L. Lee, and Christopher Drury**

*United States District Court, District of Connecticut (Case No. 3:20-cv-00213)*

Deposition testimony and expert report: damages and disgorgement of profits associated with alleged breach of contract, trademark infringement, unfair competition and unfair trade practices, theft of trade secrets, and breach of good faith and fair dealing in case involving pizza restaurants.

- **FMC Corporation v. Syngenta Crop Protection, AG; Syngenta Crop Protection, AG v. FMC Corporation**

*American Arbitration Association (Case Nos. 01-19-0002-4192 and 01-19-0002-4208)*

Arbitration hearing and deposition testimony and expert report: injunctive relief and damages related to alleged misappropriation of trade secrets and breach of contract involving crop herbicides.

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- **In re: Windstream Holdings, Inc., et al. (Debtors); Windstream Holdings, Inc., et al. v. Charter Communications, Inc. and Charter Communications Operating, LLC**  
*United States Bankruptcy Court, Southern District of New York (Chapter 11, Case No. 19-22312 (RDD); Adv. Pro. No. 19-08246 (RDD))*  
Trial and deposition testimony and expert report: lost profits and increased costs associated with alleged violations of the Lanham Act and other similar state statutes, breach of contract, violation of the Bankruptcy Code's automatic stay, and equitable subordination involving alleged false advertising campaign.
- **JELD-WEN, Inc. v. John Ambruz and Global Strategic Partners LLC**  
*American Arbitration Association (Case No. 01-17-0007-0838)*  
Hearing and deposition testimony and expert report: damages and reasonable royalty associated with alleged misappropriation of trade secrets and breach of contract involving the production of molded door skins.
- **NCR Corporation v. Pendum LLC and Burroughs, Inc.**  
*United States District Court, Northern District of Georgia (Case No. 16-cv-04114-SCJ)*  
Deposition testimony and expert report: damages associated with lost profits, price erosion, unjust enrichment, and economic effects and harm associated with alleged misappropriation of trade secrets, copyright infringement, trademark infringement, breach of contract, and tortious interference with current and prospective business relations in case involving the servicing of automatic teller machines (ATMs).
- **MPEG LA, LLC v. Toshiba American Information Systems, Inc.**  
*Supreme Court of the State of New York, County of New York (Index No. 162716/2015)*  
Deposition testimony and expert report: contract transfer and patent misuse involving patents directed to digital television standards.
- **Cedars-Sinai Medical Center v. Quest Diagnostics Inc. and Quest Diagnostics Nichols Institute**  
*United States District Court, Central District of California, Western Division (Case No. 17-cv-5169-GW-FFM)*  
Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and patent infringement involving diagnostic testing for irritable bowel syndrome (IBS).
- **Western Enterprises, Inc. v. Buckeye Rubber & Packaging Co.; Freudenberg-NOK General Partnership, a/k/a Freudenberg-NOK Sealing Technologies, Inc.; and International Seal Company, Inc.**  
*Court of Common Pleas, Cuyahoga County, Ohio (Case No. 16-869179)*  
Deposition testimony and expert report: damages associated with alleged breaches of contract, duty to indemnify, and negligence related to portable oxygen systems.
- **Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd, Central Garden and Pet Co., et al.; Shenzhen Liown Electronics Co., Ltd, Central Garden and Pet Co. v. Luminara Worldwide, LLC, et al. ; and Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd and Central Garden and Pet Co., et al.**  
*United States District Court, District of Minnesota (Case Nos. 14-cv-03103 (SRN/FLN) and 15-cv-03028 (SRN/FLN))*  
Deposition testimony and expert reports: damages associated with alleged patent infringement and breach of contract, and unjust enrichment associated with breach of non-disclosure agreement and use of trade secrets, related to flameless candle technology and distribution.

- **Red Online Marketing Group LP, d/b/a 50onRED v. Revizer Ltd., d/b/a Ad Force Technologies, Ltd., and Revizer Technologies, Ltd.**

*United States District Court, Eastern District of Pennsylvania (Case No. 14-1353)*

Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and unfair competition (Lanham Act violations) involving internet monetization products.

- **Luminara Worldwide, LLC v. Shenzhen Liown Electronics Co., Ltd.**

*State of Minnesota District Court, County of Hennepin Fourth Judicial District (Case No. 27-CV-14-16085)*

Deposition testimony and expert report: damages associated with alleged breaches of contract and duty of good faith and fair dealing related to agreements to manufacture flameless candles.

- **ABS Holdings, Ltd. and ABS Global, Ltd. v. KT Corporation and KTSAT Corporation**

*International Court of Arbitration of the International Chamber of Commerce*

Arbitration hearing testimony and expert declaration: damages associated with alleged breaches of contract involving the sale and on-going operations of a satellite.

- **Bayer CropScience AG and Bayer CropScience NV v. Dow AgroSciences LLC, Mycogen Plant Science Inc., Agrigenetics, Inc. d/b/a Mycogen Seeds LLC, and PhytoGen Seed Company, LLC**

*International Chamber of Commerce (Case No. 18892/VRO /AGF)*

Arbitration hearing testimony and expert report: damages associated with alleged breach of contract and patent infringement involving genetically modified seed.

- **Immunomedics Inc. v. Nycomed GmnH (n/k/a Takeda GmbH), Takeda Pharmaceutical Company Limited, and Takeda Pharmaceuticals International, Inc.**

*International Center for Dispute Resolution*

Arbitration hearing testimony and expert report: diminution of value associated with the delayed/failed development of a monoclonal antibody drug to treat various autoimmune diseases.

- **Avocent Redmond Corp. v. Raritan Americas, Inc.**

*United States District Court, Southern District of New York (Case No. 10-cv-6100 (PKC)(JLC))*

Deposition testimony and expert report: lost profits, lost royalties, reasonable royalty and prejudgment interest involving a patent and contract directed to software and hardware products and technologies that provide connectivity and centralized management of IT infrastructure through KVM switches.

- **General Assurance of America, Inc. v. Overby-Seawell Company**

*United States District Court, Eastern District of Virginia, Alexandria Division (Case No. 1:11CV483)*

Deposition testimony and expert report: damages and profits associated with obligations arising from a contract involving specialized insurance products.

- **Frontline Placement Technologies, Inc. v. CRS, Inc.**

*United States District Court, Eastern District of Pennsylvania (Case No. 2:07-CV-2457)*

Deposition testimony and expert report: lost profits, lost royalties, reasonable royalty and prejudgment interest involving a patent and contract directed to automated substitute fulfillment software.

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▪ **Amkor Technology, Inc. v. Tessera, Inc.**

*International Chamber of Commerce, International Court of Arbitration (Case No. 166531/VRO)*  
Arbitration hearing and deposition testimony and expert report: royalty payments due under a contract directed to semiconductor packaging technology.

▪ **Max-Planck-Gesellschaft zur Förderung der Wissenschaften E. V.; Max-Planck-Innovation GmbH; and Alnylam Pharmaceuticals, Inc. v. Whitehead Institute for Biomedical Research; Massachusetts Institute of Technology; and the Board of Trustees of the University of Massachusetts**

*United States District Court, District of Massachusetts (Case No. 2009-11116-PBS)*  
Deposition testimony and expert report: damages and profits associated with contracts covering the transfer and sharing of RNAi technology.

▪ **YSL Beauté v. Oscar de la Renta, Ltd.**

*American Arbitration Association (Case No. 13 133 01389 08)*  
Arbitration hearing testimony and expert report: damages associated with alleged breach of contract and trademark infringement involving cosmetics, fragrances, and beauty products.

▪ **IMTEC Imaging LLC v. CyberMed, Inc.**

*JAMS Arbitration (Reference No. 1410005418)*  
Arbitration hearing and deposition testimony and expert report: lost profits and development costs associated with the alleged breach of a contract involving a software license agreement directed to cone beam computed tomography machines used in dental applications.

▪ **Biosynexus, Inc. v. Glaxo Group Limited and MedImmune, Inc.**

*New York Supreme Court, County of New York (Case No. 604485/05)*  
Deposition testimony and expert report: diminution of value associated with the delayed/failed development of a pediatric anti-infective drug.

▪ **Indiana Mills & Manufacturing, Inc. v. Dorel Industries, Inc.**

*United States District Court, Southern District of Indiana (Case No. 1:04-CV-1102)*  
Deposition testimony and expert report: damages and profits associated with alleged contract breach and patent infringement involving technology directed to automobile child restraint systems.

▪ **ETEX Corp. v. Medtronic, Inc.; Medtronic International Limited; and Medtronic Sofamor Danek, Inc.**

*CPR Institute for Dispute Resolution*  
Arbitration hearing and deposition testimony and expert report: lost revenues and profits associated with alleged contractual breaches and antitrust violations involving spinal implant materials.

▪ **Audiotext International, Ltd. and New Media Group, Inc. v. Sprint Communications Co., L.P.**

*United States District Court, Eastern District of Pennsylvania (Case No. 03-CV-2110)*  
Deposition testimony and expert report: non-delivery damages involving contracts covering resale of telecommunications services.

▪ **Medtronic Sofamor Danek, Inc. v. Gary K. Michelson, M.D. and Karlin Technology, Inc.**

*United States District Court, Western District of Tennessee (Case No. 01-2373 GV)*  
Trial and deposition testimony and expert report: damages and profits associated with alleged contractual breaches, tortious interference and intentional negligent representations involving spinal implants.

- **Honeywell International, Inc. and GEM Microelectronic Materials LLC v. Air Products and Chemicals, Inc. and Ashland, Inc.**

*Delaware Chancery Court, County of New Castle (Case No. 20434-NC)*

Trial and deposition testimony and expert report: lost profits associated with alleged contractual breach and tortious interference as well as irreparable harm inquiry involving a strategic alliance to provide electronic chemicals, gases and services to the semiconductor industry.

- **Christopher Karol; and Karol Designs, LLC v. Burton Corp.**

*United States District Court, District of Vermont (Case No. 1:01-CV-178)*

Deposition testimony and expert report: reasonable royalty and disgorgement of profits involving trade secrets and an NDA directed to snowboard boot and binding technology.

- **Interactive Return Service, Inc. v. Virginia Polytechnic Institute and State University, et al.**

*Circuit Court for the City of Richmond (Case No. LM-870-3)*

Deposition testimony: lost profits and lost licensing fees involving contracts to develop interactive/return path communications.

- **City of Hope National Medical Center v. Genentech, Inc.**

*Superior Court, State of California, County of Los Angeles (Case No. BC215152)*

Deposition testimony and expert report: damages associated with alleged breach of contract involving license fees for use of recombinant DNA technology.

- **Igen International, Inc. v. Roche Diagnostics GmbH**

*United States District Court, Southern Division of Maryland (Case No. PJM 97-3461)*

Trial and deposition testimony and expert report: damages and profits associated with an alleged breach of contract involving electrochemiluminescent detection technology used in DNA probe and immunoassay kits.

- **Trimless-Flashless Design, Inc. v. Augat, Inc.; Thomas & Betts Corp.; Tyco International, Ltd.**

*United States District Court, Eastern District of Virginia (Case No. CA00-245-A)*

Trial and deposition testimony and expert report: damages and profits associated with alleged breach of contract and misappropriation of trade secrets involving metallized particle interconnects used to connect microprocessors with mother boards.

- **New Industries Co. (Sudan) Ltd. v. PepsiCo, Inc.**

*American Arbitration Association (Case No. 50 T 114 00001 95)*

Arbitration hearing testimony and expert report: damages and profits associated with breaches of PepsiCo franchise agreement.

- **Insight Development Corp. v. Hewlett-Packard Co.**

*United States District Court, Northern District of California (Case No. C 98 3349 CW)*

Deposition testimony and expert report: damages and profits associated with alleged contract breaches, patent, copyright and trade secret misappropriation/infringement and unfair competition involving digital image processing and transmission, including that over the internet.

- **First National Bank of Omaha v. Three Dimensions Systems Products, Inc.**

*United States District Court, District of Nebraska (Case No. 8:98CV569)*

Trial and deposition testimony and expert report: damages and profits associated with an alleged contract breach and copyright infringement involving financial services software.

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▪ **Computer Aid v. Hewlett-Packard**

*United States District Court, Eastern District of Pennsylvania (Case No. (C-96-3085 (MHP))*

Deposition testimony and expert report: appropriate discount rate and prejudgment interest rate involving a failed software development contract.

▪ **Wrench LLC v. Taco Bell Corp.**

*United States District Court, Southern District of Michigan (Case No. 1:98-CV-45)*

Trial and deposition testimony and expert report: unjust enrichment and actual damages involving chihuahua promotional campaign.

▪ **Kabushiki Kaisha Izumi Seiko Seiskusho v. Windmere Corp. et al.**

*United States District Court, Southern District of Florida (Case No. 94-0803-CIV-MOORE)*

Deposition testimony and expert declaration: lost revenues and lost profits in a breach of contract, fraud and antitrust case involving rotary shavers.

**Antitrust Cases**

▪ **Panasonic Corporation v. Getac Technology Corporation and Getac, Inc.**

*United States District Court, Central District of California (Case No. 8:19-cv-01118-DOC-DFM)*

Deposition testimony and expert reports: monopolization/attempted monopolization counterclaim and design patent damages directed to market for rugged 2-in-1 portable computers.

▪ **Rambus Inc., v. Micron Technology, Inc.**

*California Superior Court, County of San Francisco (Case No. 04-431105)*

Deposition testimony and expert report: lost revenues and profits associated with alleged antitrust violations related to DRAM technology.

▪ **ETEX Corp. v. Medtronic, Inc.; Medtronic International Limited; and Medtronic Sofamor Danek, Inc.**

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Arbitration hearing and deposition testimony and expert report: lost revenues and profits associated with alleged contractual breaches and antitrust violations involving spinal implant materials.

▪ **Kabushiki Kaisha Izumi Seiko Seiskusho v. Windmere Corp. et al.**

*United States District Court, Southern District of Florida (Case No. 94-0803-CIV-MOORE)*

Deposition testimony and expert declaration: lost revenues and lost profits in a breach of contract, fraud and antitrust case involving rotary shavers.

▪ **DSC Communications Corp. v. DGI Technologies, Inc.**

*United States District Court, Northern District of Texas (Case No. 3:94-CV-1047)*

Trial testimony and expert report: reasonable royalty involving copyrights, trade secrets and unfair competition over telecommunications switching equipment.

▪ **Travelers Express Co. Inc. v. The Standard Register Co.**

*United States District Court, District of Minnesota (Case No. 4-93-436)*

Deposition testimony and expert report: lost profits, reasonable royalty, patent misuse and prejudgment interest involving patents directed to money order dispensers.

## **General Tort Cases**

- **EarthLink LLC v. Charter Communications Operating LLC**  
*Supreme Court of the State of New York, County of New York (Index No. 654332/2020)*  
Deposition testimony and expert reports: lost revenues, lost profits, and prejudgment interest associated with alleged false information campaign and breach of contract in case involving high speed internet service.
- **In the Matter of Certain Portable Battery Jump Starters and Components Thereof (III) (The NOCO Company (Complainant))**  
*United States International Trade Commission (Investigation No. 337-TA-1360)*  
Trial and deposition testimony and expert report: economic evaluation of domestic industry, injury, bond, and the amount and economic significance of inventory of the accused products in case involving false advertising, false designation of origin, and unfair competition directed to portable battery jump starters.
- **Unisys Corporation v. Leon Gilbert, Michael McGarvey, Atos SE, and Atos IT Solutions and Services, Inc.**  
*United States District Court, Eastern District of Pennsylvania (Case No. 2:23-cv-00555-PD)*  
Deposition testimony and expert report: damages associated with alleged misappropriation of trade secrets, breach of contract, and tortious interference in case involving various digital workplace technologies.
- **Life Spine, Inc. v. Aegis Spine, Inc.**  
*United States District Court, Northern District of Illinois, Eastern Division (Case No. 19-cv-7092)*  
Deposition testimony and expert report: damages associated with lost profits, improper gains, withheld inventory, and prejudgment interest associated with alleged breaches of contract, breach of fiduciary duty, fraudulent inducement, and misappropriation of trade secrets in case involving implant devices used for the treatment of degenerative disc disease.
- **Diamond Resorts U.S. Collection Development, LLC and Diamond Resorts Hawaii Collection Development, LLC v. Pandora Marketing, LLC d/b/a Timeshare Compliance; Intermarketing Media, LLC d/b/a Resort Advisory Group; Slattery, Sobel & Decamp, LLC; Del Mar Law Group, LLP; Carlsbad Law Group, LLP; JL "Sean" Slattery, Esq.; Unlock Legal, APLC; Miranda Dempsey, APLC d/b/a McCroskey Legal; and Miranda McCroskey, Esq.**  
*United States District Court, Central District of California (Case No. 2:20-cv-05486-DSF-ADS)*  
Deposition testimony and expert report: damages and disgorgement of profits associated with alleged tortious interference, civil conspiracy, and violations of the Lanham Act and other similar state statutes in case involving timeshare exit services.
- **Colony Grill Development, LLC and Fairfield Colony, LLC v. Colony Grill, Inc. and Colony Grill of Stamford, LLC v. Paul Coniglio, Kenneth M. Martin, Cody L. Lee, and Christopher Drury**  
*United States District Court, District of Connecticut (Case No. 3:20-cv-00213)*  
Deposition testimony and expert report: damages and disgorgement of profits associated with alleged breach of contract, trademark infringement, unfair competition and unfair trade practices, theft of trade secrets, and breach of good faith and fair dealing in case involving pizza restaurants.

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- **Diamond Resorts U.S. Collection Development, LLC and Diamond Resorts Hawaii Collection Development, LLC v. US Consumer Attorneys, P.A., Henry Portner, Esq., Robert Sussman, Pluto Marketing Inc., 1Planetmedia Inc, Newton Group Transfers, LLC, The Newton Group, ESA LLC, Interval Broker Direct, LLC, Newton Group Exit, LLC, and DC Capital Law Firm, LLP**  
*United States District Court, Southern District of Florida - Fort Pierce Division (Case No. 9:18-cv-80311)*  
Deposition testimony and expert report: damages and disgorgement of profits associated with alleged tortious interference, civil conspiracy, and violations of the Lanham Act and other similar state statutes in case involving timeshare exit services.
- **Constellation Brands U.S. Operations, Inc. v. The Vineyard House LLC**  
*United States District Court, Northern District of California - Oakland (Case No. 3:20-cv-00238)*  
Trial testimony and expert report: disgorgement of profits associated with alleged trademark infringement, false association, designation of origin, and advertising, and violations of the Lanham Act and other similar state statutes, involving alleged mislabeling of wine.
- **In re: Windstream Holdings, Inc., et al. (Debtors); Windstream Holdings, Inc., et al. v. Charter Communications, Inc. and Charter Communications Operating, LLC**  
*United States Bankruptcy Court, Southern District of New York (Chapter 11, Case No. 19-22312 (RDD); Adv. Pro. No. 19-08246 (RDD))*  
Trial and deposition testimony and expert report: lost profits and increased costs associated with alleged violations of the Lanham Act and other similar state statutes, breach of contract, violation of the Bankruptcy Code's automatic stay, and equitable subordination involving alleged false advertising campaign.
- **NCR Corporation v. Pendulum LLC and Burroughs, Inc.**  
*United States District Court, Northern District of Georgia (Case No. 16-cv-04114-SCJ)*  
Deposition testimony and expert report: damages associated with lost profits, price erosion, unjust enrichment, and economic effects and harm associated with alleged misappropriation of trade secrets, copyright infringement, trademark infringement, breach of contract, and tortious interference with current and prospective business relations in case involving the servicing of automatic teller machines (ATMs).
- **Western Enterprises, Inc. v. Buckeye Rubber & Packaging Co.; Freudenberg-NOK General Partnership, a/k/a Freudenberg-NOK Sealing Technologies, Inc.; and International Seal Company, Inc.**  
*Court of Common Pleas, Cuyahoga County, Ohio (Case No. 16-869179)*  
Deposition testimony and expert report: damages associated with alleged breaches of contract, duty to indemnify, and negligence related to portable oxygen systems.
- **General Assurance of America, Inc. v. Overby-Seawell Company**  
*United States District Court, Eastern District of Virginia, Alexandria Division (Case No. 1:11CV483)*  
Deposition testimony and expert report: damages and profits associated with obligations arising from a contract involving specialized insurance products.
- **The Osage Tribe of Indians of Oklahoma v. The United States of America**  
*United States Court of Federal Claims (Case No. 99-550 L (into which is consolidated No. 00-169L))*  
Deposition testimony and expert declaration: present value interest from unpaid oil royalties.

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- **Biosynexus, Inc. v. Glaxo Group Limited; and MedImmune, Inc.**  
*New York Supreme Court, County of New York (Case No. 604485/05)*  
Deposition testimony and expert report: diminution of value associated with the delayed/failed development of a pediatric anti-infective drug.
- **Bavarian Nordic A/S and Anton Mayr v. Acambis, Inc.**  
*United States District Court, District of Delaware (Case No. 05-614-SLR)*  
Deposition testimony and expert report: unjust enrichment and value of property associated with tortious conversion, unfair trade practices and unfair competition involving proprietary technology directed to vaccines.
- **Alpha International, Inc. v. General Foam Plastics Corp.**  
*United States District Court, Eastern District of North Carolina (Case No. 4:01-CV-142-H(3))*  
Deposition testimony and expert report: copyright infringement, trademark infringement, conversion and unjust enrichment involving bowling pin sets and ride-on toys.
- **Medtronic Sofamor Danek, Inc. v. Gary K. Michelson, M.D. and Karlin Technology, Inc.**  
*United States District Court, Western District of Tennessee (Case No. 01-2373 GV)*  
Trial and deposition testimony and expert report: damages and profits associated with alleged contractual breaches, tortious interference and intentional negligent representations involving spinal implants.
- **Honeywell International, Inc. and GEM Microelectronic Materials LLC v. Air Products and Chemicals, Inc. and Ashland, Inc.**  
*Delaware Chancery Court, County of New Castle (Case No. 20434-NC)*  
Trial and deposition testimony and expert report: lost profits associated with alleged contractual breach and tortious interference as well as irreparable harm inquiry involving a strategic alliance to provide electronic chemicals, gases and services to the semiconductor industry.
- **Interactive Return Service, Inc. v. Virginia Polytechnic Institute and State University, et al.**  
*Circuit Court for the City of Richmond (Case No. LM-870-3)*  
Deposition testimony: lost profits and lost licensing fees involving contracts to develop interactive/return path communications.
- **Omega Engineering, Inc. v. Cole-Parmer Instrument Co.; Davis Instrument Manufacturing Co., Inc.; Dwyer Instruments, Inc.; and Raytek Corp.**  
*United States District Court, District of Connecticut (Case Nos. 3:98 CV 00733 (JCH), 3:98 CV 02052 (JCH) and 3:98 CV 02276 (JCH))*  
Trial and deposition testimony and expert report: lost profits, reasonable royalty and prejudgment interest involving patents and alleged unfair competitive practices directed to portable infrared thermometers.
- **The University of Colorado Foundation Inc., et al. v. American Cyanamid Co.**  
*United States District Court, District of Colorado (Case No. 93-K-1657)*  
Trial and deposition testimony and expert report: measure and amount of prejudgment interest in a patent infringement, fraud and unjust enrichment case covering prenatal vitamin formulations.
- **Hunter Group, Incorporated v. Susan Smith, et al.**  
*United States District Court, District of Maryland (Case No. 97-2218)*  
Trial and deposition testimony and expert report: lost enterprise value and lost profits associated with improper solicitation of enterprise resource planning software trainers.

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- **William Aramony v. United Way of America et al.**

*United States District Court, Southern District of New York (Case No. 96 Civ. 3962 (SAS))*

Trial testimony and expert report: lost contributions and out-of-pocket losses surrounding the departure of United Way of America president.

- **Fox v. Fox**

*State of Virginia, Circuit Court, Arlington County (Chancery No. 96-80)*

Trial testimony (proffered) and expert report: prospective valuation of a patent portfolio involving lasers used for lithotripsy and angioplasty.

- **AutoNation, Inc. v. Acme Commercial Corp., et al. (CarMax)**

*United States District Court, Southern District of Florida (Case No. 96-6141)*

Trial and deposition testimony and expert report: reasonable royalty associated with trademark infringement and unfair competition in the auto superstore business.

## **International Trade Cases**

- **In the Matter of Certain Computing Devices Utilizing Indexed Search Systems and Components Thereof (X1 Discovery, Inc. (Complainant))**

*United States International Trade Commission (Investigation No. 337-TA-1389)*

Trial and deposition testimony and expert report: economic evaluation of domestic industry issues associated with certain computing devices utilizing indexed search systems.

- **In the Matter of Certain Portable Battery Jump Starters and Components Thereof (II) (The NOCO Company (Complainant))**

*United States International Trade Commission (Investigation No. 337-TA-1359)*

Trial and deposition testimony and expert report: economic evaluation of domestic industry, injury, bond, and the amount and economic significance of inventory of the accused products in case involving patents directed to portable battery jump starters.

- **In the Matter of Certain Portable Battery Jump Starters and Components Thereof (III) (The NOCO Company (Complainant))**

*United States International Trade Commission (Investigation No. 337-TA-1360)*

Trial and deposition testimony and expert report: economic evaluation of domestic industry, injury, bond, and the amount and economic significance of inventory of the accused products in case involving false advertising, false designation of origin, and unfair competition directed to portable battery jump starters.

- **In The Matter of Certain Smart Televisions (Maxell, Ltd. (Complainant))**

*United States International Trade Commission (Investigation No. 337-TA-1338)*

Deposition testimony and expert report: economic evaluation of domestic industry and the amount and economic significance of inventory of the accused products in case involving patents directed to technologies in certain smart televisions.

- **In The Matter of Certain Mobile Electronic Devices (Maxell, Ltd. (Complainant))**

*United States International Trade Commission (Investigation No. 337-TA-1324)*

Deposition testimony and expert report: economic evaluation of domestic industry and the amount and economic significance of inventory of the accused products in case involving patents directed to technologies in certain mobile electronic devices.

- **In the Matter of Certain Integrated Circuits, Chipsets, and Electronic Devices, and Products Containing Same (NXP Semiconductors N.V. and NXP USA, Inc. (Complainants))**  
*United States International Trade Commission (Investigation No. 337-TA-1287)*  
Deposition testimony and expert report: economic evaluation of domestic industry, bond, and the amount and economic significance of inventory of the accused products in case involving patents directed to integrated circuits, chipsets, and electronic devices.
- **In the Matter of Certain High-Density Fiber Optic Equipment and Components Thereof (Panduit Corp. (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-1194)*  
Trial and deposition testimony and expert reports: civil penalty associated with compliance with GEO and CDO involving patents directed to certain high-density fiber optic equipment.
- **In the Matter of Certain Electrical Connectors and Cages, Components Thereof, and Products Containing the Same (Amphenol Corporation (Complainant))**  
*United States International Trade Commission (Investigation No. 337-TA-1241)*  
Trial and deposition testimony and expert report: economic evaluation of domestic industry, remedy, and bond in case involving patents directed to electrical connectors and cages.
- **In the Matter of Certain Lithium-Ion Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Products Containing the Same (SK Innovation Co., Ltd and SK Battery America, Inc. (Respondents))**  
*United States International Trade Commission (Investigation No. 337-TA-1181)*  
Trial and deposition testimony and expert report: economic evaluation of domestic industry and bond issues involving patents directed to lithium-ion batteries.
- **In the Matter of Certain Magnetic Data Storage Tapes and Cartridges Containing the Same (Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. (Respondents))**  
*United States International Trade Commission (Investigation No. 337-TA-1012E)*  
Deposition testimony and expert report: civil penalty associated with compliance with CDOs involving patents directed to certain magnetic data storage tapes and cartridges.
- **In the Matter of Certain Magnetic Data Storage Tapes and Cartridges Containing the Same (II) (Sony Corporation, Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US, Inc., and Sony Latin America (Respondents))**  
*United States International Trade Commission (Investigation No. 337-TA-1076)*  
Trial and deposition testimony and expert report: domestic industry, bond, and public interest issues involving patents directed to certain magnetic data storage tapes and cartridges.
- **In the Matter of Certain Magnetic Data Storage Tapes and Cartridges Containing the Same (Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. (Respondents))**  
*United States International Trade Commission (Investigation No. 337-TA-1012)*  
Trial and deposition testimony and expert report: economic evaluation of FRAND, commercial success, bond, remedy, domestic industry, and public interest issues involving patents directed to certain magnetic data storage tapes and cartridges.

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- **In the Matter of Certain 3G Mobile Handsets and Components Thereof (Nokia (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-613)*  
Trial and deposition testimony and expert report: economic evaluation of whether proposed license terms for certain wireless devices are discriminatory under a FRAND obligation and economic evaluation of hold-up and reverse hold-up.
- **In the Matter of Certain Sulfentrazone, Sulfentrazone Compositions, and Processes for Making Sulfentrazone (FMC (Complainant))**  
*United States International Trade Commission (Investigation No. 337-TA-914)*  
Trial and deposition testimony and expert report: irreparable harm, balance of hardships, and public interest involving a patent directed to a crop herbicide.
- **In the Matter of Certain Opaque Polymers (Organik Kimya (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-883)*  
Deposition testimony and expert report: injury, independent economic valuation, and bond involving trade secrets used in the production of opaque polymers.
- **In the Matter of Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof (Nokia (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-868)*  
Trial and deposition testimony and expert report: economic evaluation of whether proposed license terms for certain wireless devices are discriminatory under a FRAND obligation, and economic evaluation of hold-up and reverse hold-up.
- **In the Matter of Certain Wireless Devices with 3G Capabilities and Components Thereof (Nokia (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-800)*  
Trial and deposition testimony and expert report: economic evaluation of whether proposed license terms for certain wireless devices are discriminatory under a FRAND obligation.
- **In the Matter of Certain Computing Devices with Associated Instruction Sets and Software (VIA Technologies, Inc., Centaur Technology, IP-First LLC (Complainants))**  
*United States International Trade Commission (Investigation No. 337-TA-812)*  
Trial and deposition testimony and expert report: economic evaluation of domestic industry issues associated with importation of certain computing devices.
- **In the Matter of Certain Modified Vaccinia Ankara (“MVA”) Viruses and Vaccines and Pharmaceutical Compositions Based Thereon (Bavarian Nordic A/S (Complainant))**  
*United States International Trade Commission (Investigation No. 337-TA-550)*  
Deposition testimony and expert report: domestic industry and injury involving patents and proprietary technology directed to vaccines.

## Malpractice Cases

- **TattleTale Portable Alarm Systems, Inc. v. Calfee, Halter & Griswold LLP, et al.**  
*United States District Court, Southern District of Ohio, Eastern Division (Case No. 2:10-CV-226)*  
Deposition testimony and expert report: lost royalties associated with a law firm’s negligence in handling a patent directed to portable alarm systems.

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- **Timothy Robinson and Whorl, LLC v. Cohen Mohr, LLP; Dan Duval; Perkins Coie, LLP; Perkins Coie, I.P.C.; Perkins Coie, D.C.P.C.; and Perkins Coie, California, P.C.**  
*State of Virginia, Circuit Court of Fairfax County (Case No. CL-2009-080)*  
Deposition testimony and expert report: lost value and prejudgment interest involving allegations of law firm's negligence in securing an interest in intellectual property directed to biometric payment technology.
- **Frank Robertson and Cayvon, Inc. v. Nexsen Pruet Jacobs & Pollard, LLP**  
*South Carolina Common Pleas Court, Fifth Judicial Circuit, Richland (Case No. 2004-CP-40-5531)*  
Deposition testimony: lost profits associated with a law firm's negligence in handling a patent directed to commercial nut-cracking machines.
- **Anodyne Corp. v. Klaas, Law, O'Meara & Malkin**  
*State of Colorado District Court, City and County of Denver (Case No. 97-CV-7129)*  
Trial testimony and expert report: lost licensing income and prejudgment interest associated with a law firm's negligence in filing a patent application directed to wrappable flashlights.

## FRAND Cases

- **Audio MPEG, Inc., U.S. Philips Corporation, TDF SAS, and Institut Für Rundfunktechnik GmbH v. Dell, Inc.**  
*United States District Court, Eastern District of Virginia, Norfolk Division (Case No. 1:15-CV-1674 AJT/TCB)*  
Deposition testimony and expert report: analysis of patent pool compliance with FRAND commitments and determination of FRAND-compliant royalties involving patents directed to the transmission and storage of digital audio files.
- **In the Matter of Certain Magnetic Data Storage Tapes and Cartridges Containing the Same (Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. (Respondents))**  
*United States International Trade Commission (Investigation No. 337-TA-1012)*  
Trial and deposition testimony and expert report: economic evaluation of FRAND, commercial success, bond, remedy, domestic industry, and public interest issues involving patents directed to certain magnetic data storage tapes and cartridges.
- **In the Matter of Certain 3G Mobile Handsets and Components Thereof (Nokia (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-613)*  
Trial and deposition testimony and expert report: economic evaluation of whether proposed license terms for certain wireless devices are discriminatory under a FRAND obligation and economic evaluation of hold-up and reverse hold-up.
- **In the Matter of Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof (Nokia (Respondent))**  
*United States International Trade Commission (Investigation No. 337-TA-868)*  
Trial and deposition testimony and expert report: economic evaluation of whether proposed license terms for certain wireless devices are discriminatory under a FRAND obligation, and economic evaluation of hold-up and reverse hold-up.

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▪ **In the Matter of Certain Wireless Devices with 3G Capabilities and Components Thereof (Nokia (Respondent))**

*United States International Trade Commission (Investigation No. 337-TA-800)*

Trial and deposition testimony and expert report: economic evaluation of whether proposed license terms for certain wireless devices are discriminatory under a FRAND obligation.

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▪ *Eckstrom's Licensing in Foreign and Domestic Operations: The Forms and Substance of Licensing*, (2012 – 2016).

## ARTICLES

- “Global Issues in EU’s Licensing Plans for Essential Patents,” (with Eliana Garces and Joshua White), *Law360* (IP Law360) (June 1, 2023).
- “Enforcement Penalties at the ITC,” (with Katherine Cappaert and Andrea Hugill), in *Northwestern Journal of International Law and Business* (Vol. 43, Issue 2, Winter 2023).
- “The Adoption and Benefits of Royalty-Free Licensing,” (with Ivan Maryanchyk, Andrea Hugill, and Peter Jones), in *Social Science Research Network* (May 11, 2023).
- “Preliminary Injunctive Relief in Patent Cases: Repairing Irreparable Harm,” (with Jorge Contreras and Robert Vigil), in *Texas Intellectual Property Law Journal* (Vol. 31 No. 1, Fall 2022).
- “Prejudgment Interest: W.D. Texas Got it Right in the *VLSI v. Intel* Patent Suit,” (with Robert Vigil and Joseph Maloney), in *les Nouvelles, Journal of The Licensing Executives Society* (September 2022).
- “Royalty Rates for Patents,” (with Shogo Hamasaki and Yuan Tian), in G. Battersby and C. Grimes, *Licensing Royalty Rates 2022 Edition* (2022).
- “Patent Damages in US Courts: Overview of Current State of Play,” (with Justin McLean, Carla Mulhern, and Robert Vigil), in *IAM Yearbook 2019: Building IP Value in the 21<sup>st</sup> Century* (2018).
- “Introduction to Lost Profits,” (with Robert Vigil and Michael Chapman), in E. Harry III and J. Kinrich, *Lost Profits Damages: Principles, Methods and Applications* (2017).
- “Assessing Commercial Success at the U.S. Patent Trial and Appeal Board,” (with Robert Vigil), in *International In-House Counsel Journal* (Summer 2015).
- “Response to Rejoinder: Clearing Up the Confusion,” (with Michael Chapman), *Law360* (IP, Technology, Appellate, and California Law360) (September 3, 2015).
- “Rebuttal: It’s not an Inappropriate Reasonable Royalty Rule,” (with Michael Chapman), *Law360* (IP, Technology, and California Law360) (August 24, 2015).
- “Problems With Hypothesizing a Reasonable Royalty Negotiation,” (with Michael Chapman), *Law360* (IP Law360) (January 7, 2014).
- “The Hypothetical Negotiation and Reasonable Royalty Damages: The Tail Wagging the Dog,” (with Michael Chapman), in *Stanford Technology Law Review* (Vol. 16 No. 3, Spring 2013).

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- “The 25% Rule Lives On,” (with Carla Mulhern and Michael Wagner), *Law360* (IP Law360) (September 8, 2010).
- “Patent Auctions: How Far Have We Come?” (with Robin Heider, Coleman Bazelon, Christine Bieri and Peter Hess), in *les Nouvelles, Journal of The Licensing Executives Society* (March 2010) (article of the month).
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- “Application of Game Theory to Intellectual Property Royalty Negotiations,” (with Michael Chapman), in R. Goldscheider and A. Gordon, *Licensing Best Practices: Strategic, Territorial and Technology Issues* (2006).
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- “Intellectual Property Valuation and *Hughes Aircraft v. The United States*: A Giant Leap for Mankind or Lost in Space?” (with Brett Reed), in R. Parr, *Intellectual Property Infringement Damages: A Litigation Support Handbook, 1997 Cumulative Supplement* (1997).
- “Damages in Patent and Trademark Infringement,” in *The Journal of Business Valuation* (1995).
- “The *Panduit* Lost Profits Test After *BIC Leisure v. Windsurfing*,” in 3 *The Federal Circuit Bar Journal* 311 (Fall 1993) (with Erin Page). Also in 3 *Bright Ideas* - The Newsletter of the Intellectual Property Law Section of the New York State Bar Association 36 (Spring, 1994).
- “The CAFC and its Patent Damages Awards,” in 1 *The University of Baltimore Intellectual Property Law Journal* 17 (1992).
- “Pre-tax Versus After-tax Patent Damages: Do the Courts Have It Right?” in 74 *Journal of the Patent and Trademark Office Society* 938 (December 1992). Also in 7 *Managing Intellectual Property* 17 (March, 1993).
- “Taxes and Lost Profits,” in 7 *Commercial Damages Reporter*, 177 (Iss. 6, Sept. 1992).
- “Considering Taxes in the Computation of Lost Business Profits,” in 25 *Creighton L.R.* 41 (1991).

## **SPEECHES/COURSES/PRESENTATIONS**

- “Remedies,” Guest Lecturer, Georgetown University Law Center, April 2012, April 2013, April 2014, April 2015, April 2016, April 2017, April 2018, April 2019, April 2020, April 2021, April 2022, April 2023, and April 2024 (with John Taurman).
- “Damages Panel Discussion,” Giles Rich Inn of Court September 2023 Meeting, September 2023 (with Michael Ballanco, Matthew Bathon, and Rayiner Hashem).

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- “WG9/10 Panel: Case Management of Patent Damages and Remedies Issues” The Sedona Conference WG9 and WG10 Joint Annual Meeting, May 2023 (with Azra Hadzimehmedovic, Russ Levine, Drew Mooney, and Mark Selwyn).
- “Litigating Patent and Trade Secret Remedies,” Co-Chair, Certified Patent Valuation Analyst 2023 Virtual Summit, January 2023.
- “Prejudgment Interest: W.D. Texas Got it Right in the *VLSI v. Intel* Patent Suit,” *les Nouvelles* Live! Highlights from the September 2022 Edition, Licensing Executives Society International, October 2022 (with Joseph Maloney).
- “WG9/10 Panel: Unique Problems and Opportunities Posed by Global Patent Litigation - Part 1 (Unified Patent Court & Global SEP/FRAND),” The Sedona Conference WG9 and WG10 Joint Annual Meeting, November 2021 (with Julianne Buchinski, Patricio Delgado, Benjamin Grzimek, Haifeng Huang, Frances Marshall, Jim Oliva, Hon. Prathiba Singh, Richard Stark, and Laura Whiting).
- “Problems with Irreparable Harm in Preliminary Injunction Patent Cases,” IPO Damages & Injunction Committee Meeting, August 2021.
- “Irreparable Harm in Patent Preliminary Injunction Cases,” Intellectual Property Scholars Conference, August 2021 and August 2022 (with Jorge Contreras).
- “Understanding the Buying Process,” Patent Transactions, IAM Market, April 2021 (with Heath Hoglund, Joseph Kucera, Ami Patel Shah, Changhae Park, and Kent Richardson).
- “Impacts of Coronavirus and Major Business Disruption on Remedies in IP Cases,” IPO Chat Channel Webinar, June 2020 (with Douglas Frank, Lucy Wheatley, and Jenna Pellecchia).
- “Irreparable Harm in Patent Cases,” IPO Damages & Injunctions Committee Meeting, May 2020 (with Natalie Gonzales and Syed Fareed).
- “Patents, Innovation and Value,” Guest Lecturer, University of Pennsylvania Law School, February 2019 (with David Abrams).
- “*Sprint v. Time Warner Cable*: Admissibility of Past Jury Verdicts in Damages Estimation,” Intellectual Property Owners Association Damages and Injunctions Committee Monthly Call, December 2018 (with Mark Finkelstein).
- “Entire Market Value Rule: *Finjan v. Exmark v. Power Integrations*,” 2018 Patent Damages Symposium, The Licensing Executive Society (Washington DC Chapter), September 2018 (with Stephen Crenshaw, Jennifer Vanderhart, Jeff Stec, and Stephen Holzen).
- “2018 Daubert Guideposts in Reasonable Royalty Estimation,” Daubert Motion and Patent Challenges in the 2018 Landscape: Significant Trends and Updates, The Knowledge Group, September 2018 (with James Donohue).
- “TCL v. Ericsson: Non-Discrimination,” TCL v. Ericsson FRAND Decision: Legal Implications, The Knowledge Group, September 2018 (with Alan Cox, Stephen Korniczky, and Mario Lopez).
- “Apportionment in Reasonable Royalty Cases,” Reasonable Royalty Damages, Apportionment and Expert Opinions in Light of *Exmark* Case, The Knowledge Group, May 2018 (with Matthew Lynde, Russell Mangum III, and Joel Wacek).

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- “Apportionment in Reasonable Royalty Cases,” Apportionment in Patent Damages: What you Need to Know and Do, The Knowledge Group, March 2018 (with Daniel McGavock and John Scalf).
- “Post-Trial Remedies,” What Is My Intellectual Property Worth: Issues That Make a Difference Inside and Outside the Courtroom, Inaugural IP Conference on Issues that Make A Difference, University of Arizona James E. Rogers College of Law, March 2018 (with Timothy Sendek).
- “Design Patent Damages Before Apple v. Samsung,” Design Patent Damages: Hot Buttons in 2017 and Beyond, The Knowledge Group, July 2017 (with Barry Bell and Jeffery Stec).
- “Early Consideration of Patent Damages,” The Sedona Conference Webinar, June 2017 (with Hon. John Love, Melissa Finocchio, and Andrea Weiss Jeffries).
- “Permanent Injunctive Relief,” Recent Developments in Damages and Injunctions Law, IPO Damages & Injunctions Committee Conference, June 2017 (with Sarah Burstein, Mark Halligan, David Nelson, and Jenna Pellecchia).
- “U.S. Patent Landscape,” The European Patent Market – The Next Wave for Business? International In-House Counsel Journal 5<sup>th</sup> Annual Conference, March 2017 (with Anders Arvidsson, Mark Houghton, and Bruce Girvan).
- “The Conference on Patent Damages,” University of Texas School of Law, February 2017 (with David Abrams, Elizabeth Bailey, James Kearn, Shirley Webster, and Michael Risch).
- “2016 Patent Damages Daubert Opinions,” The Evolving Landscape in the Calculation of Patent Damages – Reasonable Royalties, The Knowledge Group, February 2017 (with Barry Bell, James McGovern, and Jeffery Stec).
- “Commercial Success at the PTAB: 2016 Update,” Strafford Publications CLE Webinar, September 2016 (with Michael Flibbert and Maureen Queler).
- “Economic Perspectives on Recent Patent Damages Rulings,” Silicon Valley Intellectual Property Law Association, May 2016 (with Michael Chapman).
- “Recent Developments in Reasonable Royalty Damages,” Intellectual Property Owners Association Patent Damages Summit, May 2016 (with Charles Barquist, Douglas Melamed, Joseph Shear, and Karen Vogel Weil).
- “The Rise of the ‘Footprint’ Approach in Reasonable Royalty Damages: What’s New in 2016,” The Knowledge Group, February 2016 (with Lisa Cameron, Thomas Dunlap, Kevin Goldman, and Michael Padden).
- “Patent Infringement Reasonable Royalty Damages: Apportion the Increment?” Asian Pacific American Bar Association of Silicon Valley, November 2015 (with William Rookridge, Michael Chapman, and Richard Eichmann).
- “Patent Enforcement,” Guest Lecturer, George Washington University Law School, September 2015 (with Chuck Donohoe), September 2016.
- “Commercial Success at the PTAB,” Strafford Publications CLE Webinar, August 2015 (with Michael Flibbert and Maureen Queler).
- “Patent Damages Developments in the US,” International Intellectual Property Law Association Global IP Summit, July 2015 (with Iain Connor and Ronald Courtney).

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- “WG9 Panel: Development of a Preliminary Compensatory Damages Contentions (PCDCs) Process, Including the Drafting of Local Patent Damages Rules,” The Sedona Conference WG9 and WG10 Joint Midyear Meeting, May 2015 (with Marta Beckwith, Cathy Bissoon, Melissa Finocchio, Andrea Weiss Jeffries, and James Morando).
- “Commercial Success at the PTAB,” IPO Chat Channel Webinar, March 2015 (with Michael Flibbert and Pradeep Chintagunta).
- “WG9 Panel: Commentary on Development of Local Patent Rules for the Exchange of Preliminary Compensatory Damages Contentions (PCDCs),” The Sedona Conference All-Voices Meeting, November 2014 (with Marta Beckwith, Cathy Ann Bencivengo, John Desmarais, and Melissa Finocchio).
- “Patent Damages: How to Build a Case Now,” IPO Chat Channel Webinar, October 2014 (with Paul Grewal and Gary Hoffman).
- “WG9 Commentary on Patent Damages and Remedies,” The Sedona Conference Webinar, October 2014 (with Gary Hoffman, Michael Brody, Rachel Krevans, and William Rooklidge).
- “Economic Testimony in IP Litigation,” Inside Counsel Spotlight, August 2014.
- “The Evolution of License Comparability in the Estimation of Reasonable Royalty Damages,” West Legal Education Center Webinar, July 2013 (with Carla Mulhern).
- “Georgia-Pacific and the Hypothetical Negotiation: Is the Tail Wagging the Dog?” Licensing Executives Society Washington DC Chapter Meeting, May 2012 (with Michael Chapman).
- “Early Evaluation of Damages in Patent Trials,” IPO Chat Channel Webinar, February 2012 (with Peter Armenio and Rachel Krevans).
- “Evolving IP Value: Recent Developments in Damages and Licensing,” Top IP Retreat 2011, September 2011 (with Michael Wagner).
- “Intellectual Property Valuation,” WIPO Summer School on Intellectual Property, USPTO, August 2011 (with Daria Killebrew).
- “Patent Infringement: Calculating Royalty Damages in a Post-Uniloc World,” Strafford Publications Webinar, March 2011 (with Paul Michel, George Pappas, and Carla Mulhern).
- “Uniloc v. Microsoft: The Decision and Its Impact on IP Valuation,” Licensing Executives Society Hot Topic Webinar, January 2011 (with Michael Lasinski, Justin Nelson, and Mohan Rao).
- “Patent Reform Update,” The District of Columbia Bar, January 2011 (with Paul Michel, Cheryl Miller, and Jason Everett).
- “Reasonable Royalties and Apportionment of Value,” CalCPA Education Foundation, IP Damages Institute 2010, November 2010 (with Michael Wagner, Karen Vogel Weil, and William Rooklidge).
- “What is a Trademark Worth?,” Stifel Retail Summer School at Columbia Business School, August 2010.
- “Economics of False Patent Marking,” BNA Webinar and Audioconferences, Recent Developments in the Law and Economics of False Patent Marking, July 2010 (with Anthony Roth and John Browning).

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- “Economic Implications of Patent Reform,” Georgetown University McDonough School of Business, Center for Business and Public Policy; McKool Smith; and Analysis Group, Patent Reform 2010: What Shape Will it Finally Take?, June 2010 (with Paul Michel, Bernard Cassidy and Brian Riopelle).
- “Patent Auctions: How Far Have We Come?,” Licensing Executives Society Annual Meeting (Workshop 3-U), October 2009 (with Robin Heider).
- “Creating a Bullet-Proof Damages Case from Day One,” Minnesota’s CLE’s First Litigation Advocacy Institute: Winning Before Trial, June 2009.
- “Permanent Injunction: An Economist’s Perspective,” Strategies for Managing Intellectual Property Litigation Summit, February 2007.
- “Providing Effective Royalty Testimony,” Licensing Executives Society / Association of University Technology Managers Spring Meeting, May 2006 (with Carla Mulhern and Lisa Pirozzolo).
- “Intellectual Property Damages From An Economist’s Perspective,” The District of Columbia Bar, Trade Secrets Section, November 2005 (with Carla Mulhern, Abram Hoffman and Michael Morin).
- “Valuation and Taxation Roundtable Discussion -- Hands on Application of Valuation Tools,” Licensing Executives Society Winter Meeting, February 2005 (with Serge-Alain Wandji).
- “Valuation and Pricing of IP,” Association of University Technology Managers Annual Meeting (Educational Track ED1), February 2005 (with Ashley Stevens, Jennifer Hartt and Andrew Maslow); Licensing Executives Society DC Chapter Meeting, February 2005.
- “Ingredients of a Damages Study,” Law Seminars International, Calculating and Proving Patent Damages, October 2004.
- “Current Topics in Technology Valuation,” Association of University Technology Managers Annual Meeting (Educational Track ED1), March 2004.
- “Creative Thinking on Remedies,” Law Seminars International, Trademarks Transactions and Litigation Workshop, July 2003.
- “Industry Royalty Rates and Profitability: An Empirical Test of the 25% Rule,” Licensing Executives Society Annual Meeting (Workshop 3-L), October 2001 (with Carla Mulhern and Robert Vigil).
- “Patent vs. Trade Secret Protection after 18-Month Publication and Festo--Monetary Relief,” Licensing Executives Society Annual Meeting (Workshop 2-M), October 2001 (with Griffith Price, Jr., John Williamson and Robert Payne).
- “The Design-Around Defense in Lost Profits Litigation,” Patent Lawyers Club of Washington, May 2000.
- “Use of the 25% Rule in Valuing Intellectual Property,” Center for Continuing Education, Santa Clara, California, December 1999.
- “Extracting Value from Intellectual Assets: Valuation,” INTX Seminar -- On the Frontier of Intellectual Asset Management: The Strategic Management of Intellectual Assets, November 1999.
- “Internet Patents – Monetary Remedies,” American Intellectual Property Law Association Mid-winter Meeting – IP Law in Cyberspace, February 1999 (with R. Jeffrey Malinak).

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- “Industry Royalty Rates and Profitability: An Empirical Test of the 25% Rule,” Licensing Executives Society Annual Meeting (Workshop 3-11), October 1998 (with Carla Mulhern).
- “Royalty Rates and Awards with Patent Infringement Cases: 1916-1996,” Licensing Executives Society Annual Meeting (Workshop G3), November 1997.
- “Valuation of Technology,” Technology Transfer Society Annual Meeting, July 1997.
- “The Valuation and Licensing of Intellectual Property,” Launchspace, December 1996 (with Robert Goldscheider).
- “Quantifying and Valuing Royalties for Intellectual Property,” The 5th Intellectual Property Institute for Corporate Counsel, May 1996.
- “Taxes and Damages,” CPA/Lawyer Relations Committee, DC Institute of CPAs -Legal and Financial Implications of Damages in Litigation, October 1995.
- “Estimating Lost Profits in Commercial Litigation,” Maryland Association of Certified Public Accountants, Litigation Support Service Conferences, May 1995.
- “Damages in Patent and Trademark Infringement,” Joint American Society of Appraisers and Canadian Institute of Chartered Business Valuators meeting, November 1994.

OUTSIDE COUNSEL EYES ONLY – SUBJECT TO PROTECTIVE ORDER

## SECOND SUPPLEMENTAL TAB 2

## DOCUMENTS REVIEWED AND/OR RELIED UPON

Bates Ranges		
NS00000001	—	NS00000476
NS00035339	—	NS00035348
NS00035358	—	NS00035605
NS00035610	—	NS00035767
NS00035784	—	NS00035794
NS00035822	—	NS00035828
NS00036879	—	NS00036881
NS00036888	—	NS00036908
NS00036928	—	NS00036934
NS00036966	—	NS00036998
NS00037036	—	NS00037041
NS00039216	—	NS00039501
NS00039681	—	NS00039840
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NS00041790	—	NS00041792
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NS00041874	—	NS00041884
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NS00042012	—	NS00042029
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NS00044112	—	NS00044174
NS00046479	—	NS00046486
NS00048049	—	NS00048063
NS00048946	—	NS00048949

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## SECOND SUPPLEMENTAL TAB 2

## DOCUMENTS REVIEWED AND/OR RELIED UPON

Bates Ranges		
NS00052639	—	NS00052938
NS00055467	—	NS00055496
NS00056009		
NS00056021	—	NS00056029
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NS00061604	—	NS00061608
NS00061802	—	NS00061820
NS00061840	—	NS00061846
NS00062225	—	NS00062238

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## DOCUMENTS REVIEWED AND/OR RELIED UPON

Bates Ranges		
NS00063146	—	NS00063162
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NS00090737	—	NS00090745
NS00090749	—	NS00090764
NS00090767	—	NS00090875

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## DOCUMENTS REVIEWED AND/OR RELIED UPON

Bates Ranges		
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## DOCUMENTS REVIEWED AND/OR RELIED UPON

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SRPT-VYDS-0211422	— SRPT-VYDS-0211435

OUTSIDE COUNSEL EYES ONLY – SUBJECT TO PROTECTIVE ORDER

## SECOND SUPPLEMENTAL TAB 2

## DOCUMENTS REVIEWED AND/OR RELIED UPON

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SRPT-VYDS-0220923	— SRPT-VYDS-0220924

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## SECOND SUPPLEMENTAL TAB 2

## DOCUMENTS REVIEWED AND/OR RELIED UPON

<u>Bates Ranges</u>	
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SRPT-VYDS-0247059	— SRPT-VYDS-0247092
SRPT-VYDS-0247660	
WILTON0018019	— WILTON0018024
WILTON0018072	— WILTON0018075

Case Materials and Legal Documents:

[Proposed] Joint Pretrial Order, April 29, 2024, with Exhibit 1.

OUTSIDE COUNSEL EYES ONLY – SUBJECT TO PROTECTIVE ORDER

**SECOND SUPPLEMENTAL TAB 2**

**DOCUMENTS REVIEWED AND/OR RELIED UPON**

Case Materials and Legal Documents (continued):

Amendment in Response to Non-Final Office Action Under 37 CFR §1.111, January 5, 2018.  
Confidential Brief of Appellant, October 4, 2021.  
Counter-Defendants' Amended Answer to Counter-Plaintiff's Counterclaims and New Counterclaims, August 16, 2023.  
Counter-Defendants' Amended Answer to Counter-Plaintiff's Counterclaims and New Counterclaims, March 23, 2023.  
Counter-Defendants' Answer to Counter-Plaintiff's Counterclaims, February 18, 2022.  
Counter-Defendants' Answer to Counter-Plaintiffs' Amended Counterclaims, September 1, 2023.  
Defendant Sarepta Therapeutics, Inc.'s Answer, Defenses, and Counterclaims to Plaintiff Nippon Shinyaku Co., Ltd.'s Second Amended Complaint, January 28, 2022.  
Defendant Sarepta Therapeutics, Inc.'s First Amended Answer, Defenses, and Counterclaims to Plaintiff Nippon Shinyaku Co., Ltd.'s Second Amended Complaint, April 21, 2023.  
Defendant Sarepta Therapeutics, Inc.'s Second Amended Answer, Defenses, and Counterclaims to Plaintiff Nippon Shinyaku Co., Ltd.'s Second Amended Complaint, August 16, 2023.  
Letter to the Honorable Jennifer L. Hall, Re: Nippon Shinyaku Co., Ltd. v. Sarepta Therapeutics, Inc., May 8, 2024, with Exhibits.  
Memorandum Opinion, July 3, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s First Supplemental Responses and Objections to Sarepta Therapeutics, Inc.'s Fourth Set of Interrogatories (No. 21), July 27, 2023, with Exhibits.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s First Supplemental Responses and Objections to Sarepta Therapeutics, Inc.'s Sixth Set of Interrogatories (Nos. 30-35), August 15, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Letter Brief Regarding Late Produced Licensing and No Lost Profits, May 7, 2024, with Exhibits.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Opening Letter Brief Regarding Dispute Nos. 1-4, August 15, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Responses and Objections to Sarepta Therapeutics, Inc.'s Fifth Set of Interrogatories (Nos. 23-29), June 5, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Responses and Objections to Sarepta Therapeutics, Inc.'s First Set of Interrogatories (Nos. 1-11), May 16, 2022.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Responses and Objections to Sarepta Therapeutics, Inc.'s Fourth Set of Interrogatories (Nos. 18-22), April 17, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Responses and Objections to Sarepta Therapeutics, Inc.'s Second Set of Interrogatories (No. 12), November 10, 2022.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Responses and Objections to Sarepta Therapeutics, Inc.'s Sixth Set of Interrogatories (Nos. 30-35), July 27, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Responses and Objections to Sarepta Therapeutics, Inc.'s Third Set of Interrogatories (Nos. 13-17), March 16, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Second Supplemental Responses and Objections to Sarepta Therapeutics, Inc.'s First Set of Interrogatories (Nos. 1-11), August 15, 2023.  
Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.'s Second Supplemental Responses and Objections to Sarepta Therapeutics, Inc.'s Fourth Set of Interrogatories (Nos. 18-22), August 15, 2023.  
Nippon Shinyaku Co. Ltd.'s Amended Final Infringement Contentions, July 28, 2023.  
Nippon Shinyaku Co., Ltd. and NS Pharma, Inc.'s Validity Contentions, August 10, 2023.  
Notice of Appeal, September 28, 2021.  
Sarepta Therapeutics, Inc.'s Final Infringement Contentions, June 22, 2023.  
Sarepta Therapeutics, Inc.'s Final Validity Contentions, August 10, 2023.  
Sarepta Therapeutics, Inc.'s Non-Infringement Contentions, July 11, 2023, with Exhibits.  
Sarepta's and UWA's Supplemental Responses and Objections to NS's Interrogatories (Nos. 6-9 and 15), June 9, 2023.  
Sarepta's Responses and Objections to NS's First Set of Interrogatories (Nos. 1-13), April 11, 2022.

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## SECOND SUPPLEMENTAL TAB 2

### DOCUMENTS REVIEWED AND/OR RELIED UPON

#### Case Materials and Legal Documents (continued):

Sarepta's Responses and Objections to NS's Second Set of Interrogatories (Nos. 14-21), April 3, 2023.  
Sarepta's Supplemental Responses and Objections to NS's Interrogatories (Nos. 1-6, 8-23, 25-30, 32-34), August 15, 2023.  
Second Amended Complaint for Breach of Contract, Declaratory Judgement of Patent Invalidity, and Patent Infringement, January 14, 2022.  
Stipulation and [Proposed] Order Adding UWA to Protective Order, June 6, 2023.  
Stipulation and [Proposed] Order to Extend Time for Certain Case Deadlines, July 18, 2023.  
Unopposed Motion for Leave to Serve Amended Final Infringement Contentions, August 4, 2023.

#### Case Law:

35 U.S.C. § 271.  
35 U.S.C. § 284.  
42 U.S.C. § 1395.  
*Apple, Inc. v. Motorola, Inc.*, 869 F. Supp. 2d 901 (N.D. Ill. 2012).  
*Apple, Inc. v. Motorola, Inc.*, No. 1:11-cv-08540, 2012 WL 1959560 (N.D. Ill. 2012).  
*Aro Mfg. Co. v. Convertible Top Replacement Co.*, 377 U.S. 476 (1964).  
*AstraZeneca AB, v. Apotex Corp., et al.*, 782 F.3d 1324 (Fed. Cir. 2015).  
*Bandag, Inc. v. Gerrard Tire Co.*, 704 F.2d 1578 (Fed. Cir. 1983).  
*BIC Leisure Products, Inc. v. Windsurfing Int'l, Inc.*, 1 F.3d 1214 (Fed. Cir. 1993).  
C.F.R. § 1.482-6.  
*Castro v. Sanofi Pasteur Inc.*, 134 F. Supp. 3d 820 (D.N.J. 2015).  
*Copperhead Indus., Inc. v. Changer & Dresser, Inc.*, No. 1:18-cv-01228, 2020 WL 429485 (N.D. Ala. 2020).  
*Crystal Semiconductor Corp. v. TriTech Microelectronics Int'l, Inc.*, 246 F.3d 1336 (Fed. Cir. 2001).  
*Dataquill Ltd. v. High Tech Computer Corp.*, 887 F. Supp. 2d 999 (S.D. Cal. 2011).  
*DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314 (Fed. Cir. 2009).  
*Dowagiac Mfg. Co. v. Minn. Moline Plow Co.*, 235 U.S. 641 (1915).  
*Edgewell Personal Care Brands, LLC v. Munchkin, Inc.*, Case No. CV 18-3005 PSG (JPRxx), 2022 WL 18932811 (C.D. Cal. 2022).  
*Ericsson, Inc. v. D-Link Systems, Inc.*, Case 13-625 Opinion (Fed. Cir. 2014).  
*Faulkner v. Gibbs*, 199 F.2d 635 (9th Cir. 1952).  
*Fromson v. Western Litho Plate and Supply Co.*, 853 F.2d 1568 (Fed. Cir. 1988).  
*Fujitsu Ltd. v. Tellabs, Inc.*, No. 09 C 4530, 2013 WL 2285794 (N.D. Ill. 2013).  
*Georgetown Rail Equip. Co. v. Holland L.P.*, 867 F.3d 1229 (Fed. Circ. 2017).  
*Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F. Supp. 1116 (S.D.N.Y. 1970).  
*Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 446 F.2d 295 (2d Cir. 1971).  
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**Second Supplemental Tabs 3-22  
to the Second Supplemental Opening  
Expert Report of John C. Jarosz**

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THEIR ENTIRETY**

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